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Council Proceedings

Official Report

Bengal Legislative Council

Thirty-eighth Session, 1932

22nd to 24th and 29th February and 1st March, 1932

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GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency Colonel the Right Hon'ble Sir FRANCIS STANLEY JACKSON, P.C., G.C.I.E.

MEMBERS OF THE EXECUTIVE COUNCIL.

The Hon'ble Mr. A. MARR, C.I.E., I.C.S., in charge of the following portfolios:—

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2. Separate Revenue.
3. Commerce and Industrial subjects.
4. Marine.
5. European Education.

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2. Immigration.
3. Jurisdiction.
4. Haj Pilgrimage.
5. Forests.
6. Irrigation.

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4. Ecclesiastical.
5. Regulation of medical and other professional qualifications and standards, subject to legislation by the Indian Legislature.
6. Judicial.
7. Hazaribagh Reformatory School.

The Hon'ble Sir B. B. GHOSE, KT., in charge of the following portfolios:—

1. Land Revenue.
2. Land Acquisition.
3. Excluded Areas.
4. Jails.
5. Legislative.

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The Hon'ble Nawab K. G. M. FAROQUI, Khan Bahadur, in charge of the following portfolios:—

1. Agriculture and Industries (excluding Excise).
2. Public Works.

The Hon'ble Mr. KHWAJA NAZIMUDDIN, C.I.E., in charge of the following portfolios:—

1. Education.
2. Registration.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY, in charge of the following portfolios:—

1. Local Self-Government.
2. Excise.

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The Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh.

DEPUTY PRESIDENT.

Mr. RAZAUR RAHMAN KHAN, B.L.

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2. Mr. B. C. CHATTERJEE, Bar.-at-Law.
3. Khan Bahadur Maulvi AZIZUL HAQUE.
4. Mr. S. M. BOSE, Bar.-at-Law.

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Assistant Secretaries to the Council—A. M. HUTCHISON and K. N. MAJUMDAR.

Registrar to the Council—J. W. McKAY, I.S.O.

BENGAL LEGISLATIVE COUNCIL.

ALPHABETICAL LIST OF MEMBERS.

A

Ali, Maulvi Hassan. [Dinajpur (Muhammadan).]
Ali, Maulvi Syed Nausher. [Jessore South (Muhammadan).]
Ali, Mr. Altaf. [Bogra (Muhammadan).]
Armstrong, Mr. W. L. [Presidency and Burdwan (European).]
Austin, Mr. J. M. (Bengal Chamber of Commerce.)

B

Baksh, Maulvi Shaik Rahim. [Hooghly *cum* Howrah Municipal (Muhammadan).]
Baksh, Maulvi Syed Majid. [Jessore North (Muhammadan).]
Bal, Babu Lalit Kumar. [Bakarganj South (Non-Muhammadan).]
Bal, Mr. Sarat Chandra. [Faridpur South (Non-Muhammadan).]
Ballabh, Rai Bahadur Debendra Nath. [24-Parganas Rural North (Non-Muhammadan).]
Banerji, Mr. P. [24-Parganas Rural South (Non-Muhammadan).]
Banerji, Rai Bahadur Keshab Chandra. [Dacca Rural (Non-Muhammadan).]
Bannerjee, Babu Jitendralal. [Birbhum (Non-Muhammadan).]
Barma, Rai Sahib Panchanan, M.B.E. [Rangpur West (Non-Muhammadan).]
Bartley, Mr. C. (Nominated Official.)
Basir Uddin, Khan Sahib Maulvi Mohammed. [Rajshahi North (Muhammadan).]
Basu, Babu Jatindra Nath. [Calcutta North (Non-Muhammadan).]
Basu, Mr. Narendra Kumar. [Nadia (Non-Muhammadan).]
Birkmyre, Mr. H. (Bengal Chamber of Commerce.)
Blandy, Mr. E. N. (Nominated Official.)
Bose, Mr. S. M., Bar.-at-Law. [Calcutta East (Non-Muhammadan).]
Bottomley, Mr. J. M. (Nominated Official.)
Bural, Babu Gokul Chand. [Calcutta South Central (Non-Muhammadan).]

C

Chatterjee, Mr. B. C., Bar.-at-Law. [Bakarganj North (Non-Muhammadan).]
Chaudhuri, Babu Kishori Mohan. [Rajshahi (Non-Muhammadan).]
Chaudhuri, Dr. Jogendra Chandra. [Bogra *cum* Pabna (Non-Muhammadan).]

Chaudhuri, Khan Bahadur Maulvi Alimuzzaman. [Faridpur North (Muhammadan).]
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman. (Nominated Non-official.)
Chaudhuri, Maulvi Syed Osman Haider. [Tippera North (Muhammadan).]
Choudhury, Maulvi Nural Absar. [Chittagong North (Muhammadan).]
Chowdhury, Haji Badi Ahmed. [Chittagong South (Muhammadan).]
Chowdhury, Maulvi Abdul Ghani, B.L. [Dacca West Rural (Muhammadan).]
Cohen, Mr. D. J. (Nominated Non-official.)
Coppinger, Major General W. V., C.I.E., D.S.O., M.D., F.R.C.S.I., I.M.S. (Nominated Official.)
Cooper, Mr. C. G. (Indian Jute Mills Association.)

D

Dain, Mr. G. R., C.I.E. (Bengal Chamber of Commerce.)
Das, Rai Bahadur Kamini Kumar, M.B.E. [Chittagong (Non-Muhammadan).]
Das, Rai Bahadur Satyendra Kumar. [Dacca City (Non-Muhammadan).]
Dutt, Rai Bahadur Dr. Haridhan. [Calcutta Central (Non-Muhammadan).]

E

Eusufji, Maulvi Nur Rahman Khan. [Mymensingh South-West (Muhammadan).]

F

Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur. [Minister.] [Tippera South (Muhammadan).]
Fawcus, Mr. L. R. (Nominated Official.)
Fazlullah, Maulvi Muhammad. [Noakhali West (Muhammadan).]
Forrester, Mr. J. Campbell. [Presidency and Burdwan (European).]

G

Gangali, Rai Bahadur Susil Kumar. (Nominated Official.)
Ghose, Dr. Amulya Ratan. [Howrah Municipal (Non-Muhammadan).]
Ghose, Rai Bahadur Sasonka Comar, C.I.E. (Dacca University.)
Ghose, the Hon'ble Sir B. B., KT. (Member, Executive Council.)

Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim, KT. (Member, Executive Council.)
Gilchrist, Mr. R. N. (Nominated Official.)
Goenka, Rai Bahadur Badridas, C.I.E. (Bengal Marwari Association.)
Guha, Babu Profulla Kumar. [24-Parganas Municipal North (Non-Muhammadan).]
Guha, Mr. P. N. (Nominated Non-official.)
Gupta, Mr. J. N., C.I.E., M.B.E. [Bankura West (Non-Muhammadan).]
Gurner, Mr. C. W. (Nominated Official.)

H

Hakim, Maulvi Abdul. [Mymensingh Central (Muhammadan).]
Haque, Khan Bahadur Maulvi Azizul. [Nadia (Muhammadan).]
Hashemy, Maulvi Syed Jalaluddin. [Khulna (Muhammadan).]
Higgins, Mr. R. (Expert, Nominated.)
Hopkyns, Mr. W. S., C.I.E., O.B.E. (Nominated Official.)
Hoque, Kazi Emdadul. [Rangpur East (Muhammadan).]
Hosain, Nawab Musharruf, Khan Bahadur. [Malda *cum* Jalpaiguri (Muhammadan).]
Hossain, Maulvi Muhammad. [Bakarganj North (Muhammadan).]
Huq, Mr. A. K. Fazl-ul. [Bakarganj West (Muhammadan).]
Hussain, Maulvi Latafat. (Nominated Non-official.)

K

Karim, Maulvi Abdul. [Burdwan Division South (Muhammadan).]
Kasem, Maulvi Abul. [Burdwan Division North (Muhammadan).]
Kerr, Mr. W. J. (Nominated Official.)
Khan, Maulvi Amin-uz-Zaman. (Nominated Official.)
Khan, Khan Sahib Maulvi Muazzam Ali. [Pabna (Muhammadan).]
Khan, Maulvi Tamizuddin. [Faridpur South (Muhammadan).]
*Khan, Mr. Razaur Rahman, B.L. [Dacca East Rural (Muhammadan).]

L

Lal Muhammad, Haji. [Rajshahi South (Muhammadan).]
Law, Mr. Surendra Nath. (Bengal National Chamber of Commerce.)

M

Maguire, Mr. L. T. (Anglo-Indian.)
Maiti, Mr. R. [Midnapore South (Non-Muhammadan).]
Marr, the Hon'ble Mr. A., C.I.E. (Member, Executive Council.)

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* Deputy President, Bengal Legislative Council.

McCluskie, Mr. E. T. (Anglo-Indian.)
Miller, Mr. C. C. (Bengal Chamber of Commerce.)
Mittra, Babu Sarat Chandra. [24-Parganas Rural Central (Non-Muhammadan).]
Momin, Khan Bahadur Muhammad Abdul. [Noakhali East (Muhammadan).]
Mookerjee, Mr. Syamaprosad, Bar.-at-Law. (Calcutta University.)
Mukherji, Rai Bahadur Satish Chandra. [Hooghly Rural (Non-Muhammadan).]
Mukhopadhaya, Rai Sahib Sarat Chandra. [Midnapore South-East (Non-Muhammadan).]
Mullick, Mr. Mukunda Behary. (Nominated Non-official.)

N

Nag, Babu Suk Lal. [Khulna (Non-Muhammadan).]
Nag, Reverend B. A. (Nominated Non-official.)
Nandy, Maharaja Sris Chandra, of Kassimbazar. (Bengal National Chamber of Commerce.)
Nazimuddin, the Hon'ble Mr. Khwaja, C.I.E. [Minister.] [Bakarganj South (Muhammadan).]
Norton, Mr. H. R. (Calcutta Trades Association.)

O

Ordish, Mr. J. E. [Dacca and Chittagong (European).]
Ormond, Mr. E. C. [Presidency and Burdwan (European).]

P

Philpot, Mr. H. C. V. (Nominated Official.)
Poddar, Mr. Ananda Mohan. (Bengal Mahajan Sabha.)
Poddar, Seth Hunuman Prosad. [Calcutta West (Non-Muhammadan).]
Prentice, the Hon'ble Mr. W. D. R., C.S.I., C.I.E. (Member, Executive Council.)

R

Raheem, Mr. A., C.I.E. [Calcutta North (Muhammadan).]
Rahman, Maulvi Azizur. [Mymensingh North-West (Muhammadan).]
Rahman, Mr. A. F. [Rangpur West (Muhammadan).]

Rahman, Mr. A. F. M. Abdur. [24-Parganas Rural (Muhammadan).]
Raikat, Mr. Prosanna Deb. [Jalpaiguri (Non-Muhammadan).]
Rai Mahasai, Munindra Deb. [Hooghly Municipal (Non-Muhammadan).]
Ray, Babu Amulyadhan. [Jessore South (Non-Muhammadan).]
Ray, Babu Khetter Mohan. [Tippera (Non-Muhammadan).]
Ray, Babu Nagendra Narayan, B.L. [Rangpur East (Non-Muhammadan).]
Ray, Kumar Shib Shekhareswar. (Rajshahi Landholders.)
Ray, Maharaja Jagadish Nath, of Dinajpur. [Dinajpur (Non-Muhammadan).]
Ray, Mr. Shanti Shekhareswar, M.A. [Malda (Non-Muhammadan).]
Ray Chaudhuri, Mr. K. C. (Nominated Non-official.)
*Ray Chaudhuri, the Hon'ble Raja Sir Manmatha Nath, KT., of Santosh. (Dacca Landholders.)
Ray Chowdhury, Babu Satish Chandra. [Mymensingh East (Non-Muhammadan).]
Ross, Mr. J. (Indian Tea Association.)
Rout, Babu Hoseni. [Midnapore North (Non-Muhammadan).]
Roy, Babu Haribansa. [Howrah Rural (Non-Muhammadan).]
Roy, Babu Jitendra Nath. [Jessore North (Non-Muhammadan).]
Roy, Babu Satyendra Nath. [24-Parganas Municipal South (Non-Muhammadan).]
Roy, Mr. Saileswar Singh. [Burdwan North (Non-Muhammadan).]
Roy, Mr. Sarat Kumar. (Presidency Landholders.)
Roy, the Hon'ble Mr. Bijoy Prasad Singh. [Minister.] [Burdwan South (Non-Muhammadan).]
Roy Choudhuri, Babu Hem Chandra. [Noakhali (Non-Muhammadan).]

S

Saadatullah, Maulvi Muhammad. [24-Parganas Municipal (Muhammadan).]
Sahana, Babu Satya Kinkar. [Bankura East (Non-Muhammadan).]
Samad, Maulvi Abdus. [Murshidabad (Muhammadan).]
Sarkar, Sir Jadunath, KT., C.I.E. (Nominated Non-official.)
Sarker, Rai Sahib Rebati Mohan. (Nominated Non-official.)
Sen Gupta, Dr. Naresh Chandra. [Mymensingh West (Non-Muhammadan).]
Sen, Rai Sahib Akshoy Kumar. [Faridpur North (Non-Muhammadan).]
Shah, Maulvi Abdul Hamid. [Mymensingh East (Muhammadan).]
Singha, Mr. Arun Chandra. (Chittagong Landholders.)

* President of the Bengal Legislative Council.

Singh, Srijut Taj Bahadur. [Murshidabad (Non-Muhammadan).]
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur. (Burdwan Landholders.)
Sircar, Dr. Sir Nilratan, KT., M.D. [Calcutta South (Non-Muhammadan).]
Solaiman, Maulvi Muhammad. [Barrackpore Municipal (Muhammadan).]
Suhrawardy, Mr. H. S. [Calcutta South (Muhammadan).]

T

Travers, Sir Lancelot, KT., C.I.E., O.B.E. [Rajshahi (European).]

W

Wilkinson, Mr. H. R., C.I.E. (Nominated Official.)
Wordsworth, Mr. W. C. (Bengal Chamber of Commerce.)

THE BENGAL LEGISLATIVE COUNCIL PROCEEDINGS.

(Official Report of the Thirty-eighth Session.)

Volume XXXVIII—No. 2.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Monday, the 22nd February, 1932, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the Hon'ble Nawab K. G. M. Faroqui, Khan Bahadur, the Hon'ble Mr. Bijoy Prasad Singh Roy and 106 nominated and elected members.

Obituary References.

Mr. PRESIDENT: Gentlemen of the Council, I regret to convey to the House the melancholy news of the death of Mr. Khwaja Sala-ud-din which took place in a nursing home yesterday. It was only on Tuesday last that Mr. Sala-ud-din was with us in this Chamber taking part in our deliberations. This makes me feel that we live only to outlive. What shadows we are and what shadows we pursue! The late member was returned to this Council last February by the Dacca City Muhammadan constituency. He was a man of pleasing manners and took a keen interest in his work in the Council. His sudden death at the early age of 29, is a grievous blow to a large number of friends whom he has left behind to mourn his loss, and especially to my friend the Hon'ble Mr. Khwaja Nazimuddin, Minister for Education, to whom he was closely related. I propose, gentlemen, with your permission, to

send a message of condolence of the Council to the relatives of the deceased, and ask you kindly to endorse what I have said by rising in your places.

(The members having risen in their places)

Thank you, gentlemen. The Secretary will please take the usual steps.

Starred Questions

(to which oral answers were given).

Irrigation projects in the Bankura district.

*63. **Babu SATYA KINKAR SAHANA:** (*a*) Has the Hon'ble Member in charge of the Irrigation Department obtained expert opinion on the question of the adaptability of the channel system of irrigation in the district of Bankura?

(*b*) If it has been ascertained that channel irrigation is practicable in Bankura, will the Hon'ble Member be pleased to state—

(*i*) what plans, if any, have been prepared;

(*ii*) the estimated cost of the plans; and

(*iii*) when the plans are expected to be executed?

(*c*) If the said system is not possible, will the Hon'ble Member be pleased to state—

(*i*) what steps the Government have taken or are intending to take for the re-excavation and repairs of the tanks and *bunds* for improving irrigation and lessening the frequency of failure of crops; and

(*ii*) what is the necessity for maintaining irrigation offices in the district?

MEMBER in charge of IRRIGATION DEPARTMENT (the Hon'ble Alhadj Sir Abdelkerim Ghuznavi): (*a*) Yes, if the member means irrigation by channels running between banks formed by earth excavated from their beds.

(*b*) (*i*), (*ii*) and (*iii*) It is practicable in Bankura where there is a sufficient supply of water or a supply which can be supplemented by storage. A statement is laid on the table.

(*c*) Does not arise.

Statement referred to in the reply to clause (b) of starred question No. 63.

Irrigation projects in Bankura district.

Name of project.	Estimated or actual cost.	When expected to be executed.	
	Rs.		
Dwarkeswar Reservoir Project.	Not yet estimated.	Cannot be stated at present.	Under investigation. To irrigate 200,000 acres.
Suvankar Danra Project	Ditto ..	Ditto ..	Ditto.
Berai Project ..	5,41,193	Ditto ..	Administratively approved.
Kulai Khal Project ..	56,793	Ditto ..	Detailed plans and estimate completed.
Salbundh Weir ..	77,000	Already in operation.	
Amjhore Weir ..	45,300	In operation.	

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to tell us with respect to (*b*) (*i*), when these things are likely to be taken in hand?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: These things cannot be expected to be taken in hand just now.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to tell us how far the work has progressed?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: I have nothing to add to the answer already given.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Will the Hon'ble Member be pleased to tell us whether he has considered the respective merits of tank irrigation and canal irrigation, especially with regard to the cost of different projects?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: We have not considered it.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Will the Hon'ble Member be pleased to consider it in future before sanctioning any expenditure on irrigation schemes in view of the fact that it is less expensive?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: That is a matter of opinion.

Muslims in the office of the Inspectress of Schools, Dacca Circle.

***84. Mr. KHWAJA SALA-UD-DIN:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether there is any Muhammadan clerk in the office of the Inspectress of Schools, Dacca Circle?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state why the circular of the Director of Public Instruction, Bengal, regarding the appointments of Mussalmans has not yet been given effect to in the said office?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): (*a*) There is no Muhammadan clerk in the office of the Inspectress of Schools, Dacca Division.

(*b*) The percentage laid down by the Director of Public Instruction's circular applies to divisions as a whole and not to individual offices. The actual percentage attained in the Dacca Division in 1930-31 was 36·7 against a minimum of 26·3. Effect has, therefore, been given to the circular.

Application for a gun license by Babu Sachindra Bhusan Gupta.

***85. MUNINDRA DEB RAI MAHASAI:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether it is a fact that Babu Sachindra Bhusan Gupta, Inspector of Amusements, Calcutta Corporation, and a member of the Indian Territorial Force, being a Non-Commissioned Officer of the 11/19th Hyderabad Regiment, applied for the license of a D.B.B.L. gun to the Commissioner of Police, Calcutta?

(*b*) Is it a fact that the Police Commissioner refused to grant the license?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state the reasons therefor?

(d) Is it a fact that Babu Sachindra Bhusan Gupta applied to His Excellency the Governor of Bengal to reconsider the decision of the Commissioner of Police?

(e) Is it a fact that the application was transferred to the Chief Secretary, and the Additional Deputy Secretary informed the petitioner that, on the materials before it, Government saw no reason to interfere in the matter?

(f) If the answer to (e) is in the affirmative, will the Hon'ble Member be pleased to state what those materials are?

(g) Is it a fact that the members of the Indian Territorial Force are required to take an oath of allegiance to the Crown?

(h) If so, did Babu Sachindra Bhusan Gupta take any such oath?

(i) Are the Government considering the desirability of directing that the taking of the oath of allegiance is a sufficient guarantee for a person being entrusted with a gun license for self-protection?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (a) Yes.

(b) Yes.

(c) No case was made out for the grant of a license.

(d) Yes.

(e) Yes.

(f) Reply to (c) may be seen.

(g) Yes.

(h) This may be presumed.

(i) No.

MUNINDRA DEB RAI MAHASAI: Will the Hon'ble Member be pleased to state the necessity for making out a case for the grant of a license?

The Hon'ble Mr. W. D. R. PRENTICE: The member is referred to the Arms Act Manual.

Collision of motor launch "Meghna" with a steamer "Mikir" near Fatulla (Dacca).

***98. Rai SATYENDRA KUMAR DAS Bahadur:** (a) Is the Hon'ble Member in charge of the Marine Department aware of the deaths of 17 persons due to collision of motor launch "Meghna" with

that of Joint Steamer Company's passenger steamer "Mikir" on the night of the 17th January last in the river Buriganga near Fatulla, Dacca?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Member be pleased to state what steps, if any, have been taken to bring to book the person or persons responsible for the loss of lives?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. A. Marr): (a) Yes.

(b) A Special Court of Inquiry under the Inland Steam Vessels Act is to be appointed to make an investigation into the circumstances attending the collision.

Rai SATYENDRA KUMAR DAS Bahadur: Will the Hon'ble Member be pleased to state when and where the Special Court of Inquiry is to be constituted, and will sit?

The Hon'ble Mr. A. MARR: The question whether the Special Court of Inquiry is to sit in Calcutta or Dacca is now under consideration, and as soon as that point is settled the Special Court will be appointed.

Press Employees' Association.

***67. Mr. K. C. RAY CHAUDHURI:** (a) Will the Hon'ble Member in charge of the Finance Department be pleased to state whether Government have received a copy of the Annual Report of the Press Employees' Association and also copies of the resolutions passed in a meeting held on the 12th September, 1931, under the presidentship of Dr. N. C. Sen Gupta, M.L.C.?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Member be pleased to state what actions, if any, have been taken or are intended to be taken in the matter?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. A. Marr): (a) Yes.

(b) No specific recommendations have been made as regards the Presses under the Bengal Government, while the resolutions which refer to the working of the Indian Factories Act and Workmen's Compensation Act are couched in general terms. Government do not therefore propose to take any action.

Farmers of G[illegible] estates.

*88. **Maulvi ABDUL HAKIM:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether the functions of farmers (*izaradars*) of Government estates and temporarily-settled estates regarding their collection of rents and cesses and their payment of land revenue are identical with those of landlords having permanent settlement in Bengal?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Member be pleased to state the reasons for the same?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir B. B. Ghose): (*a*) The farmers collect rent and cesses and pay revenue in a temporary capacity and not on identical conditions.

(*b*) Because the farmers are not owners of the estates and get settlement for a limited period.

Holidays for Muharram festival.

*89. **Maulvi ABUL KASEM:** (*a*) Is the Hon'ble Member in charge of the Finance Department aware that only one day has been declared this year, 1932, as Muharram holiday under the Act?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state under whose instruction the holidays for the Muharram festival was reduced from two days to one?

(*c*) Is the Hon'ble Member aware that this has created a feeling of dissatisfaction amongst the Muhammadans?

(*d*) Are the Government considering the desirability of declaring by notification another day as a gazetted holiday for the Muharram festival?

The Hon'ble Mr. A. MARR: (*a*) Yes.

(*b*) Government's.

(*c*) No.

(*d*) No.

Maulvi TAMIZUDDIN KHAN: Is the Hon'ble Member aware that formerly the number of holidays allotted for the Muharram festival was five; then it was reduced to two, and it is now proposed to be reduced to one?

The Hon'ble Mr. A. MARR: I am not aware that it was ever five.

that of Joint Steamer Company's passenger steamer "Mikir" on the night of the 17th January last in the river Buriganga near Fatulla, Dacca?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Member be pleased to state what steps, if any, have been taken to bring to book the person or persons responsible for the loss of lives?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. A. Marr): (a) Yes.

(b) A Special Court of Inquiry under the Inland Steam Vessels Act is to be appointed to make an investigation into the circumstances attending the collision.

Rai SATYENDRA KUMAR DAS Bahadur: Will the Hon'ble Member be pleased to state when and where the Special Court of Inquiry is to be constituted, and will sit?

The Hon'ble Mr. A. MARR: The question whether the Special Court of Inquiry is to sit in Calcutta or Dacca is now under consideration, and as soon as that point is settled the Special Court will be appointed.

Press Employees' Association.

***67. Mr. K. C. RAY CHAUDHURI:** (a) Will the Hon'ble Member in charge of the Finance Department be pleased to state whether Government have received a copy of the Annual Report of the Press Employees' Association and also copies of the resolutions passed in a meeting held on the 12th September, 1931, under the presidentship of Dr. N. C. Sen Gupta, M.L.C.?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Member be pleased to state what actions, if any, have been taken or are intended to be taken in the matter?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. A. Marr:) (a) Yes.

(b) No specific recommendations have been made as regards the Presses under the Bengal Government, while the resolutions which refer to the working of the Indian Factories Act and Workmen's Compensation Act are couched in general terms Government do not therefore propose to take any action.

Farmers of Government estates.

*68. **Maulvi ABDUL HAKIM:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether the functions of farmers (*izaradars*) of Government estates and temporarily-settled estates regarding their collection of rents and cesses and their payment of land revenue are identical with those of landlords having permanent settlement in Bengal?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Member be pleased to state the reasons for the same?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir B. B. Ghose): (*a*) The farmers collect rent and cesses and pay revenue in a temporary capacity and not on identical conditions.

(*b*) Because the farmers are not owners of the estates and get settlement for a limited period.

Holidays for Muharram festival.

*69. **Maulvi ABUL KASEM:** (*a*) Is the Hon'ble Member in charge of the Finance Department aware that only one day has been declared this year, 1932, as Muharram holiday under the Act?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state under whose instruction the holidays for the Muharram festival was reduced from two days to one?

(*c*) Is the Hon'ble Member aware that this has created a feeling of dissatisfaction amongst the Muhammadans?

(*d*) Are the Government considering the desirability of declaring by notification another day as a gazetted holiday for the Muharram festival?

The Hon'ble Mr. A. MARR: (*a*) Yes.

(*b*) Government's.

(*c*) No.

(*d*) No.

Maulvi TAMIZUDDIN KHAN: Is the Hon'ble Member aware that formerly the number of holidays allotted for the Muharram festival was five; then it was reduced to two, and it is now proposed to be reduced to one?

The Hon'ble Mr. A. MARR: I am not aware that it was ever five.

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Member be pleased to state whether there are any executive holidays set apart for any Moslem festival apart from Act holidays?

The Hon'ble Mr. A. MARR: No non-Act holidays have been reserved for special Muhammadan festivals.

Maulvi TAMIZUDDIN KHAN: Is it not possible for Government to allot one non-Act holiday for this festival?

The Hon'ble Mr. A. MARR: This question, like that of other holidays, is now under the consideration of Government.

Classification of prisoners by Mr. H. K. De, Third Presidency Magistrate, Calcutta.

***70. Maulvi SYED JALALUDDIN HASHEMY:** (*a*) Is the Hon'ble Member in charge of the Political (Jails) Department aware that the trying Magistrate, especially Mr. H. K. De, Third Presidency Magistrate, Jorabagan (Calcutta), pass orders regarding the classification of prisoners especially for the ladies, which are not in conformity with the rules laid down in the revised Jail Code?

(*b*) If so, are the Government considering the desirability of taking steps in the matter?

MEMBER in charge of POLITICAL (JAILS) DEPARTMENT (the Hon'ble Sir B. B. Ghose): (*a*) No. The trying Magistrate follows the revised rule in the Jail Code, but when a prisoner does not furnish particulars entitling him to be placed in a higher division and is not known to the Magistrate, he has no option in the matter but has to place him in division III.

(*b*) Does not arise.

Maulvi SYED JALALUDDIN HASHEMY: In the case of ladies, they cannot supply more particulars than that they are the sisters, mothers, wives of certain persons Will the Hon'ble Member be pleased to state what further particulars are wanted?

The Hon'ble Sir B. B. GHOSE: No particulars are supplied to the trying Magistrate; if these particulars are supplied, no doubt he would be able to class them according to the status of the persons whose relatives they are.

Maulvi SYED JALALUDDIN HASHEMY: Is the Hon'ble Member aware of the fact that one Mr. Baroda Ray Chaudhuri, M.A., Headmaster, was classed as a Division I prisoner, but unfortunately his wife, though she petitioned to the Magistrate, has been classed as a Division III prisoner?

The Hon'ble Sir B. B. CHOSE: I am not aware.

Dr. NARESH CHANDRA SEN GUPTA: Is the Hon'ble Member in a position to say that in none of the cases in which the Third Presidency Magistrate placed the prisoners in Division III, he was aware of their social status?

The Hon'ble Sir B. B. CHOSE: It is not possible for me to say.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether all cases are put up to him?

The Hon'ble Sir B. B. CHOSE: No.

Babu SATISH CHANDRA RAY CHOWDHURY: When a prisoner makes an application to be placed in a higher division, is not that application sufficient to enable the Magistrate to decide?

The Hon'ble Sir B. B. CHOSE: When a prisoner makes an application to Government, it is inquired into.

Babu SATISH CHANDRA RAY CHOWDHURY: My question was when a prisoner makes an application to be placed in a higher division, is that not sufficient to set the Magistrate to inquire regarding the division in which he should be placed?

The Hon'ble Sir B. B. CHOSE: That may be enough under the rules. But this seems to me to be a hypothetical question as no such case has been brought to the notice of Government.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to tell us whether it is a fact that the recommendations made by the trying Magistrates in several cases to put prisoners in particular classes, have been set aside by Government, and the prisoners put in lower divisions?

The Hon'ble Sir B. B. CHOSE: In some cases, yes.

Mr. NARENDRA KUMAR BASU: Under what circumstances are the trying Magistrate's recommendations set aside?

The Hon'ble Sir B. B. GHOSE: The matter was inquired into; but I want notice about this.

Dr. NARESH CHANDRA SEN GUPTA: Will the Hon'ble Member be pleased to state whether, as a matter of fact, the learned Third Presidency Magistrate has not placed in Division III prisoners whose connections were thoroughly well known to him?

The Hon'ble Sir B. B. GHOSE: I do not know.

3-15 p.m.

Détenus and State prisoners.

***71. Maulvi SYED JALALUDDIN HASHEMY:** Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing at present—

(*i*) the number of persons detained under the Bengal Criminal Law Amendment Act, 1930;

(*ii*) the number of persons detained under the New Bengal Ordinance (1931);

(*iii*) the number of persons—

(*a*) in village domicile;

(*b*) in home domicile;

(*c*) under order of externment; and

(*d*) otherwise under restraint under the Bengal Criminal Law Amendment Act and the New Bengal Ordinance (1931); and

(*iv*) the number of persons detained under Regulation III of 1818?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*i*) (*ii*), (*iii*) and (*iv*) A statement is laid on the table.

Statement corrected up to the 31st January, 1932, referred to in the answer to starred question No. 71.

(*i*) and (*ii*) Number of persons detained and against whom orders under section 2 (*1*) of the Bengal Criminal Law Amendment Act, 1930, are in force, is,—

(*a*) before the issue of Ordinance IX, 1931—355.

(*b*) since then—290.

(iii) Number of persons—

(a) in village domicile—93.

(b) in home domicile—19.

(c) under orders of externment—10.

(d) domiciled with relatives, or released under section 2 (1) (a), (b) and (c) and externed from or confined to certain areas—13.

(iv) Number of persons detained under Regulation III of 1818—20.

Statement of Miss Bina Das.

71A. Mr. SYAMAPROSAD MODKERJEE: (a) Is the Hon'ble Member in charge of the Political Department aware that the Press Officer to the Government of Bengal has been reported to have withheld the publication of the statement of Miss Bina Das before the Special Tribunal at the High Court on 15th February?

(b) Is the Government aware that the statement was read out in open court and was dealt with in the judgment of the Hon'ble Judges who sat on the Special Tribunal?

(c) Is such withholding of publication of judicial proceedings sanctioned by authority or rules promulgated by Government?

(d) If so, will the Government indicate such provisions?

(e) If there is no authority or rules sanctioning such withholding is the Government considering the desirability of taking steps to prevent the Press Officer from withholding such publications in future?

The Hon'ble Mr. W. D. R. PRENTICE: (a) Government are aware of the report which is not correct.

(b) Yes.

(c) No proceedings were withheld, but in accordance with the instructions issued by the Hon'ble Member in charge of the Political Department newspapers were addressed by the Press Officer not to publish the statement save in an expurgated form.

(d) and (e) Do not arise.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member in charge of the Political Department be pleased to state under what provision of the law he issued those instructions to the press?

The Hon'ble Mr. W. D. R. PRENTICE: I had neither the statement nor the law before me when the matter was referred to me about

10 p.m. that night. The newspapers always complain that they do not get any guidance from Government. So those instructions were issued to draw the attention of the press to the existence of the Press Act recently passed by the Legislative Assembly.

Dr. NARESH CHANDRA SEN GUPTA: Will the Hon'ble Member in charge of the Political Department be pleased to state whether the instructions which were conveyed by the Press Officer to the press was coupled with any sort of direct or veiled warning that violation of those instructions would involve action under the Ordinances?

The Hon'ble Mr. W. D. R. PRENTICE: I do not know what the actual wording was. The effect of the instructions is given in clause (*c*).

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member in charge of the Political Department be pleased to state whether instructions given to the press not to publish the statement save in an expurgated form was due to the Hon'ble Member reading the Ordinances in that fashion?

The Hon'ble Mr. W. D. R. PRENTICE: Certainly, I have stated what I understood the law to be.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state if different instructions were issued to the different Indian newspapers and the *Statesman*?

The Hon'ble Mr. W. D. R. PRENTICE: No, so far as I am aware.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to make an inquiry into the matter?

The Hon'ble Mr. W. D. R. PRENTICE: Certainly.

Unstarred Questions

(answers to which were laid on the table).

River Titash.

48. Babu KNETTER MOHAN RAY: (*a*) Is the Hon'ble Member in charge of the Irrigation Department aware—

(*i*) that the river "Titash" is the longest river, and waters the largest areas in the district of Tippera;

(*ii*) that it is being gradually silted up at Akhaura, Nabinagar and Machimpur and other places;

(*iii*) that the silting up of this river has rendered communication by water difficult, interferes with the jute trade of the district, and impairs the health of the locality through which it passes?

(*b*) Do the Government propose to take any step to reclaim the river?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: (*a*) (*i*) Yes, with the possible exception of the Gumti.

(*ii*) There are shoals near Akhaura and other places.

(*iii*) The silting obstructs navigation and therefore probably interferes with the jute trade, but it is not known that it impairs the health of the locality.

(*b*) No, because the removal of the shoals, which are mainly caused by hill streams bringing down silt into the river, will be expensive and the effect will not be lasting.

Certificate cases in Rangpur Sadar.

49. Kazi EMDADUL HOQUE: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether it has been ascertained that the present system of the Certificate Officers' touring in the mufassal is convenient to both the estates under the Court of Wards and to the tenants?

(*b*) Do the Government, in the present financial difficulties, contemplate decentralising the certificate cases and allowing the Subdivisional Officers who are ex-officio Certificate Officers under the Public Demands Recovery Act and the second officers, to deal with the certificate cases in addition to their own duties to save the travelling expenses of the Sadar Certificate Officers?

(*c*) Are the Government aware of a feeling that exists that the certificate cases are not properly dealt with and the tenants are harassed and put to untold hardship by the congestion of certificate cases at the Rangpur Sadar?

(*d*) Will the Government be pleased to state the number of cases filed and disposed of in 1931 and the number of cases pending on 2nd January, 1932, at the Rangpur Sadar?

The Hon'ble Sir B. B. GHOSE: (*a*) The system is being tried as an experiment and it is reported to be convenient to both.

(*b*) No.

(*c*) No.

(*d*) Eight thousand six hundred and thirteen cases were filed in 1931 and there were 4,979 more cases pending. Three thousand four hundred and ninety-three cases were disposed of in 1931 and 10,099 were pending on 2nd January, 1932, but a considerable number of these were pending only for receipt of Treasury chalans.

Certificate cases in Rangpur.

50. Kazi EMDADUL HOQUE: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether it is a fact that the Subdivisional Officers in the districts of Burdwan, Nadia, Midnapore and Dacca deal with certificate cases?

(*b*) If the answer to (*a*) is in the affirmative, do the Government contemplate adopting a uniform procedure in this respect in the district of Rangpur for the convenience of the Court of Wards' Estates and of the tenants as well?

The Hon'ble Sir B. B. GHOSE: (*a*) Yes.

(*b*) No, as it is considered that the work can be done more efficiently at Sadar and it would not be economical to post additional officers to the subdivisions for certificate work.

Certificate cases in Rangpur.

51. Kazi EMDADUL HOQUE: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether it is a fact that the Subdivisional Officers of Kurigram and Gaibandha do not favour the idea of the certificate cases being transferred to them?

(*b*) Will the Hon'ble Member be pleased to state whether the Subdivisional Officers in the districts of Burdwan, Nadia, Midnapore and Dacca hold a contrary view?

(*c*) Will the Hon'ble Member be pleased to state what stands in the way of the centralisation of certificate cases in the district of Rangpur?

The Hon'ble Sir B. B. GHOSE: (*a*) Yes.

(*b*) Yes.

(*c*) It would be difficult for the officers in the Rangpur subdivisions to do the extra work and it would not be economical to post additional officers to the subdivisions on account of certificate work only. Also it is considered that the work can be done more efficiently at Sadar.

Kazi EMDADUL HOQUE: With reference to (c), will the Hon'ble Member be pleased to state why the Subdivisional Officers in the Rangpur subdivision felt the difficulty while other subdivisions in other districts did not?

The Hon'ble Sir B. B. GHOSE: Evidently because they are overworked.

Kazi EMDADUL HOQUE: Will the Hon'ble Member be pleased to state why the Subdivisional Officers of Burdwan, Nadia, Midnapore and Dacca districts did not find any difficulty?

The Hon'ble Sir B. B. GHOSE: Presumably because they were not overworked.

Estates sold for defaults in revenue kists.

52. **Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur:** Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing—

(i) the number of revenue-paying estates in Bengal that have defaulted in paying duly the revenue during 1931-32;

(ii) how many of those estates have since been disposed of by public auction; and

(iii) how many of those estates could not be sold for want of bidders?

The Hon'ble Sir B. B. GHOSE: A statement is laid on the table.

Statement referred to in the answer to unstarred question No. 52.

Total number of estates which defaulted in kists June, 1931, September, 1931, and January, 1932 13,475.

Total number of estates sold for defaults in kists June, 1931, and September, 1931—518.

Total number of estates which could not be sold for want of bidders (including shares dealt with under section 14, Act XI of 1859)—122.

Cases in which right of pre-emption has been exercised by landlords.

53. **Maulvi TAMIZUDDIN KHAN:** Will the Hon'ble Member in charge of the Revenue Department be pleased to state separately for each year since the enforcement of the Bengal Tenancy (Amendment)

Act, 1928, up to such time for which figures are available, the number of cases in which the right of pre-emption has been exercised by landlords on a transfer of occupancy holding?

The Hon'ble Sir B. B. GHOSE: A statement is laid on the table.

Statement referred to in the answer to unstarred question No. 53 of cases in which right of pre-emption has been exercised by landlords.

		Number of sales under section 26B of the Bengal Tenancy Act.	Number of cases in which right of pre-emption has been exercised.
1929-30	..	127,760	705
1930-31	...	111,056	1,468
1-4-1931 to 30-9-1931	...	53,059	585

GOVERNMENT BUSINESS.

Presentation of the Budget of the Government of Bengal for 1932-33.

The Hon'ble Mr. A. MARR: Sir, for the last time in my career I rise to present to the Legislative Council the budget estimates of the Government of Bengal. It has ever been a somewhat melancholy duty, but on this occasion it is more so than ever before. I do not therefore on this occasion propose to harrow the feelings of the House by the usual detailed analysis of the factors which have produced the lamentable result. I shall confine myself to the salient features, but if any member requires further information on any point which he cannot find in the estimates themselves or in the financial statement which accompanies them, both Mr. Blandy and myself will be pleased to see him either here or in Writers' Buildings, while my colleagues will be glad to assist in respect of the departments under their several charges.

1930-31.—The year ended with a balance of Rs. 39,67,000 against the revised estimate of Rs. 31,16,000. It had opened with a balance of Rs. 1,94,78,000 and when at about this time last year the revised estimate was framed a revenue of Rs. 10,66,58,000 was anticipated. Against the total receipt of Rs. 12,61,36,000 it was proposed to spend Rs. 12,30,20,000, leaving a balance of Rs. 31,16,000. The actual receipts of Rs. 10,57,90,000 fell short of anticipations by Rs. 8,68,000, while the actual expenditure of Rs. 12,13,01,000 gave a saving of Rs. 17,19,000 as compared with the revised estimate, which resulted in the closing balance being better by Rs. 8,51,000 than anticipated.

1931-32.—For the current year, as members will recollect, I anticipated some recovery in receipts from the disastrous figures of 1930-31. At the same time however I uttered a note of warning, and may perhaps be excused a repetition. I then said—"Unless world conditions improve there is little chance of our revenues increasing and we may not even obtain the conservative increases which I have made. On the other hand, if the political situation improves, we may hope for substantial savings on some of the expenditure estimates and to carry forward a somewhat lighter deficit than anticipated." Unfortunately neither world conditions nor the political situation did improve, and not only has the modest recovery in our revenues which I then anticipated not materialised, but the results are even worse than those of 1930-31. It is true that a slight improvement is expected under Land Revenue and Scheduled Taxes over the figures of the year, but the other principal revenue heads show heavy decreases:—

	Actuals		Revised Estimate, 1931-32	Difference between 1931-32 and 1930-31	Difference between 1931-32 and 1929-30
	1929-30.	1930-31			
	Rs	Rs	Rs	Rs	Rs
V.—Land Revenue	3,24,74,000	3,08,93,000	3,10,24,000	+ 1,31,000	14,50,000
VI—Excise	2,26,25,000	1,96,16,000	1,58,00,000	22,16,000	68,25,000
VII—Stamps	3,91,97,000	3,12,94,000	2,76,00,000	36,94,000	1,15,97,000
VIII—Forests ..	30,52,000	23,12,000	16,25,000	6,87,000	14,27,000
IX—Registration	31,69,000	23,72,000	19,00,000	4,72,000	12,69,000
IX-A.—Scheduled Taxes ..	16,29,000	13,00,000	13,40,000	+ 40,000	2,89,000
Net	.	.	...	− 66,98,000	− 2,38,57,000

My total revised estimate of receipts under the Revenue heads now stands at Rs. 9,06,39,000 as against Rs. 9,66,34,000, the actuals of 1930-31 and Rs. 11,35,87,000 of 1929-30. If the abnormal receipt of Rs. 52 lakhs under "VII—Stamps" be excluded from the total of 1929-30, the House will observe that there has been a drop in revenue of no less than Rs. 1,77,48,000 since 1929-30.

As regards expenditure, much of the economies which Government were forced to effect in 1930-31, were carried forward into the current year, and in addition to this Government have reduced expenditure on travelling and conveyance allowances and also the initial pay of new appointments under their control, while a general 10 per cent. cut in pay has been effective during the last quarter. In spite of these and other minor economies the total expenditure under the revenue heads is expected to reach Rs. 11,13,89,000, giving a revenue deficit of Rs. 2,07,50,000. Included in this total is the sum of Rs. 21,54,000 representing expenditure under "Jails," "Police," "Civil Works" and

"Miscellaneous," which is directly attributable to measures taken to cope with the terrorist and kindred movements. In addition, Government have had to incur an abnormal expenditure of Rs. 2,25,000 for relieving the sufferers from flood and economic depression. In spite of this abnormal expenditure the House will observe that, against a total grant of Rs. 11,58,04,000, the revised estimate of expenditure under the revenue heads has come down to Rs. 11,13,89,000, a reduction of Rs. 44,15,000. This will give them some idea of the extent to which Government have pinched and scraped: the reduction is however really bigger, for this expenditure includes Rs. 11,41,000 against only Rs. 4,41,000 last year on account of expenditure from the Central Road Fund.

As regards the capital heads I need only draw attention to the following:—

The total sanctioned grant for expenditure on capital account for 1931-32 was Rs. 70,12,000. In the August session the Council voted a supplementary grant of Rs. 2,50,000 for loan to the Kasimbazar Wards' Estate. Against the total grant of Rs. 72,62,000, the revised estimate for the year has been placed at Rs. 77,39,000, showing an excess of Rs. 4,77,000. The excess mainly occurs under "55—Irrigation" on account of a provision of Rs. 1,42,000 for stone boulders for maintenance of the headworks of the Damodar Canal after construction and under "Loans and Advances" on account of granting larger amounts of loans to agriculturists affected by the floods and economic distress: it has been partly counterbalanced by savings in the expenditure on road development works.

The final result as at present estimated of the working of the current year is a deficit of no less than Rs. 2,10,94,000, which, however, includes Rs. 12,00,000 on account of the Famine Relief Fund and Rs. 9,48,000 of the Road Fund, which are accordingly shown as the closing balance of Rs. 21,48,000. To cover this deficit Government have arranged with the Government of India to borrow an equivalent amount on the last day of the financial year, repayment of which will as at present arranged be spread over a period of 50 years by equated annual instalments of Rs. 14,33,000. I must however impress upon the House the necessity of endeavouring to get rid of this unproductive debt as soon as financial conditions render this possible.

1932-33.—I now turn to the estimates for the coming year. Under the revenue heads the total receipts are estimated at Rs. 9,49,84,000 against the revised estimate of the current year of Rs. 9,06,39,000 or an increase of Rs. 43,45,000, but of this Rs. 15,98,000 is on account of receipts from the Central Road Fund under "XXX—Civil Works" as compared with Rs. 11,41,000, the revised estimate of the current year. The

eal growth as compared with the current year is thus Rs. 38,88,000 nly and is based on the hope that conditions will improve to a very nodest extent. Whether that hope will be fulfilled or again disppointed it is of course impossible for me to say.

Turning to expenditure I have placed the total under the revenue eads at Rs. 11,12,98,000 as against the revised estimates of Rs. 11,13,89,000 for the current year. The House may be inclined to sk how the cuts in pay and other economies which Government have een effecting can result in a reduction of expenditure by Rs. 91,000 nly. I have already drawn attention, when discussing the evised estimates, to the difference of Rs. 44,15,000 between the latter nd the total grant. This represents economies effected during the urrent year which have to a great extent been carried forward into 932-33. The savings due to the 10 per cent. cut in pay during the hree months in which this was effective in 1931-32 are estimated at Rs. 9,10,000, while the savings anticipated on this account during the ext 12 months are estimated at Rs. 36,98,000. The additional savings herefore in 1932-33 on this account come to Rs. 27,88,000. In addition o this a saving of Rs. 1,54,000 is anticipated owing to the reduction of onveyance allowances, etc., making a total additional saving of Rs. 29,42,000. Against this however provisions have been made under ails, Police, Civil Works and Miscellaneous for abnormal expenditure o the extent of Rs. 33,17,000 as against a similar abnormal expenditure to which I have already referred in the current year of Rs. 21,54,000. The excess expenditure over the current year on these ccounts is thus Rs. 11,63,000. To this must be added first the lifference between the expenditure in the two years from the Central Road Fund, viz., Rs 4,57,000, and an item of Rs. 13,70,000 on account f interest on the loan which I have explained Government will be aking on the 31st March to cover the overdraft. The total extra xpenditure therefore amounts to Rs. 29,90,000 which more than wallows up the total economies to which I have referred. In spite of his excess expenditure it has been possible to reduce the expenditure stimated by about Rs. 1 lakh and by other minor economies with the letails of which I need not trouble the House.

Turning to the expenditure on capital accounts, it will be noticed hat against the revised estimate of Rs. 77,39,000, the ensuing year's stimate has been placed at Rs. 60,54,000, showing a reduction of Rs. 16,85,000. This reduction is mainly on account of the smaller rovisions for the Damodar and Bakreswar projects and to the absence of any provision in the next year's accounts for the new Council Chamber which has been completed. Normal provision only for loans and advances, including a loan of Rs. 1,00,000 to Sir Daniel Hamilton towards his colonisation scheme, has been made.

The net result, as at present anticipated, of next year's working will thus again be a heavy deficit of Rs. 1,63,29,000, and I must mention that this is likely to fall short of the actual figure if either of two things happens. It will be increased if the very modest growth in the revenue to which I am looking does not occur, and it will be increased if further abnormal expenditure has to be incurred. On the other hand, if world conditions improve and trade revives, of which few signs can be seen at present, we should obtain a larger growth in revenue than I have taken, while, should the political situation so far ease as to enable Government to shut down any of the abnormal activities for which the heavy extra expenditure has to be provided, the deficit at the end of the year may not be so great. A greater or larger—certainly a heavy—deficit at the end of the year is, I fear, inevitable, and if my figure turns out to be approximately correct, Bengal will be saddled with a further burden of unproductive debt for the service of which an annual payment of Rs. 11,09,000 will have to be made from the year 1933-34 in addition to the charge of Rs. 14,33,000 already mentioned on account of the current year's overdraft. The total will vary from 25 lakhs to 25½ lakhs.

It is a relief to turn from this melancholy subject to a few points of detail which I submit to the House in order to enable members easily to follow the estimates. They will observe that on the revenue side a new major head "III Salt" has been opened for the credit of our share of tax on imported salt. Secondly, in accordance with the wishes of the Public Accounts Committee the estimates of the two Forest circles have been exhibited separately under each of the major heads, the object of this being to ensure better control over the expenditure between the two circles. Another point of detail is that the charges on account of management of Wards' estates which used to be shown partly under "5 Land Revenue" and partly under "22 General Administration" from now will be shown under the one major head "22—General Administration." This has been done with the concurrence of the Accountant-General, Bengal, and with the approval of the Controller of Civil Accounts. In this connection an alteration has also been made on the receipt side. The general rates levied by Government on account of the management of private and Wards' estates which were hitherto adjusted under "V—Land Revenue" will from now be credited under "XXXV—Miscellaneous." The latter is a more appropriate head as these receipts cannot be regarded as land revenue.

In conclusion I must thank the House for again having given me a patient hearing. The picture which I have presented is a distressing one, and I regret that I can see no hope for the future and no chance of that development, which the province so urgently needs and the people of the province so justly demand, unless Bengal can find justice at the hands of the Federal Finance Committee now sitting, before

which I shall shortly appear. We can only hope that the recommendations of that Committee will be to the effect that the inequitable treatment from which we have suffered under the Meston Settlement must cease and Bengal be given adequate resources to meet the needs of her people.

3-30 p.m.

NON-OFFICIAL MEMBERS' BUSINESS.

Non-official Members' Bills.

The Calcutta Municipal (Amendment) Bill, 1931.

Mr. MUKUNDA BEHARY MULLICK: I beg to move that the Calcutta Municipal (Amendment) Bill, 1931, be circulated for the purpose of eliciting public opinion thereon within the 15th March, 1932.

The motion was put and agreed to.

The Bengal Tenancy (Amendment) Bill, 1931.

Maulvi SYED MAJID BAKSH: I beg to move that the Bengal Tenancy (Amendment) Bill, 1931, be taken into consideration.

It is a very short Bill the object of which has been explained by me in the Statement of Objects and Reasons. The Bill seeks to remove difficulties which are felt by landlords and tenants alike, namely, the payment of guardian fees. In the new Bengal Tenancy Act, so far as the question of the recovery of rent is concerned, there is no provision for the payment of guardian fees. As may be known to lawyers and those who deal with the Bengal Tenancy Act, guardian fees handicap both the parties as I have submitted already, and although the landlord pays the fees to begin with, it ultimately devolves upon the poor tenant; so that it ultimately becomes a burden on him. Those who are conversant with the procedure of civil courts know that when a rent suit against a minor is instituted a pleader guardian is appointed by the Court and a fee of Rs. 4, and if the amount of the suit be high, a higher amount, is given to the pleader guardian whose only business is to issue a registered postcard, to get a reply if a reply is at all given, or to get it returned if it is refused, and to submit a report before the court that he has no further instructions. Then the suit is proceeded with. The issue of a registered postcard may as well be done by the Court as I have provided in the Bill.

Moreover, anomalies occur in the procedure as I have submitted in the Statement of Objects and Reasons. In a rent suit guardian fee is not required but if the landlord chooses to execute a rent decree it is required then, although for the obtaining of the decree he had not to pay anything. This I consider to be an anomaly. As I have already submitted this cost ultimately devolves on the poor tenant. I have seen cases where although the decretal amount is not more than eight annas as rent the poor tenant has to pay an amount of Rs. 4 or Rs. 5 as cost. Even if the claim does not exceed Re. 1 he has to pay guardian fee. This constitutes a great burden on the poor tenant and this Bill seeks to remove this anomaly.

So, also, with regard to the enhancement of rent, and in this connection I shall submit reasons as I go on. As for enhancement of rent, it is nothing but a rent suit—proceedings are taken under the Bengal Tenancy Act, and everything is done under that Act; so that in every sense of the term a suit for enhancement of rent is also a rent suit, and since in a rent suit guardian fee is dispensed with under the Bengal Tenancy Act, I submit that for enhancement of rent also the guardian fee should be dispensed with. It may be urged that the question of enhancement of rent is a big question and in cases where arrear rent is due there is no other alternative for the tenant but to pay. But in a question of enhancement of rent many questions may crop up. Every one who is conversant with the proceedings of the Court knows very well that nothing is done by the guardian except to issue a registered postcard, for which he has to pay 3 or 4 pice only.

3-45 p.m.

The same thing may be done by the Court under this amending Bill. The registered postcard issued by a guardian of course does not benefit the poor tenant in any way more than registered postcard issued by the Court. In the Bill I have provided for the issue of postcards by the Court whereas at present the practice is for the pleader-guardian to issue the postcard. This pleader-guardian is paid for his guardianship. Nothing very profitable is gained so far as the tenants are concerned. Therefore, I submit that that practice is unnecessary and burdensome to the poor tenants. Then I shall come to the amendment if you will permit me to do so.

Mr. PRESIDENT: You cannot speak on the amendments now.

Maulvi SYED MAJID BAKSH: Sir, there is an amendment for circulation.

Mr. PRESIDENT: It is not before the House in the sense that it has not been moved.

Maulvi SYED MAJID BAKSH: I submit that this Bill is for the benefit of all parties concerned and I hope that instead of resorting to dilatory proceedings the House will accept my motion. I move that the Bill be taken into consideration.

The Hon'ble Sir B. B. GHOSE: I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting public opinion thereon by the 31st May, 1932.

Sir, the mover of the Bill has dilated upon two points the appointment of guardians and the service of summons. As a matter of fact he wants to amend Section 148 of the Bengal Tenancy Act by introducing summary procedure for suits for enhancement of rent. As any one conversant with the Bengal Tenancy Act knows, suits for enhancement of rent may be brought on several grounds under section 52 of the Bengal Tenancy Act The summary procedure now only refers to the realisation of rent after the record of rights has been prepared.

The principal object of the Bill is to make the summary procedure provided for rent suits based on record of rights, applicable to suits for enhancement of rent as well The summary procedure for rent suits is provided in the various sub-clauses of section 148 of the Bengal Tenancy Act From the point of view of the tenant the decision of suits for enhancement of rent in a summary manner will be a dangerous innovation, and I am not sure whether the Bill has been introduced for the benefit of the landlord or that of the tenant. The mover said that it would be advantageous to both landlords and tenants But I doubt whether it would be advantageous to the tenants at all. But apart from this, the procedure which the author of the private Bill wants to engraft on section 148 will prove unsuitable with regard to proper issues that might be raised and decided in enhancement suits With regard to rent suits summons is not for settlement of issues but for the disposal of the suit which would surely be very inconvenient in a suit for enhancement of rent in which various issues may arise for decision. Sir, I would remind the House that the Bengal Tenancy Act was the result of a compromise. Part of the compromise was arrived at in more than one committee between the years 1921 and 1927. The Bill, based more or less on the recommendations of these committees, was then discussed in the Legislative Council in 1928, and the various provisions of the Act as passed by the Legislative Council are again the result of compromise. It will not, therefore, be wise to tinker with the Act in a private Bill like this, particularly so soon after the passing of the Act.

As regards the alleged difficulties in execution proceedings I doubt whether in the Bill as drafted the object will be fulfilled. The main object of the Bill being to introduce summary procedure for enhancement suits, it is doubtful whether the amendment suggested will prove suitable for remedying the alleged defects in execution proceedings. We are, however, prepared to examine the alleged difficulties in execution proceedings in consultation with judicial officers and the High Court. If we are satisfied after such consultation and examination that some amendment is necessary we shall do so when the time comes to amend some of the provisions of the Act.

I would point out that there are various clauses in the sections of the Bill which would be absolutely inapplicable or harmful in a suit for enhancement of rent, for instance in a suit for enhancement of rent, written statement shall not be filed without the leave of the court. Then under the rules for the recording of evidence, a summary record is necessary only in a suit for realisation of rent. But I submit to the House that this would be absolutely inexpedient in a suit for enhancement of rent, because in a suit for rent the matter for decision is whether rent is due or not. In a suit for enhancement of rent, however, various questions arise, and the appellate court is entitled to see how the evidence was recorded. I would therefore ask the House to accept the amendment in which I propose that the Bill be circulated for eliciting public opinion. This Bill cannot be passed without having such circulation.

The following motion was called but not moved:—

"**Maulvi HASSAN ALI** to move, by way of amendment, that the Bill be circulated for the purpose of eliciting public opinion thereon before the end of February, 1932."

Maulvi SYED MAJID BAKSH: After listening to the speech of the Hon'ble Member I think that he has only made out a case for a Select Committee for drafting or redrafting the Bill rather than a case for circulation. I introduced this Bill last year and some time was taken up in obtaining sanction. Then I got leave to introduce the Bill in the July session. Then of course the Bill could not be moved for consideration and I had to wait all these months. Then after a full year I have now come before the House. This is a very important provision as a large number of suits are involved and guardian's fees are being realised from the poor tenants some of whom are minors and cannot even pay their rent. They are further saddled with the payment of cost. If the Hon'ble Member had moved for the drafting of the Bill,

I could have understood it. But I cannot agree to his first making out a case for redrafting the Bill and then moving for its circulation. The Hon'ble Member himself is a great legal authority and I do not understand why he should ask for legal opinion from others. Let him give his own opinion. I do not think that any other opinion would be more valuable than his own; and I submit that he has not made out a case for circulation.

There are other things about which I should like to say a few words with your permission. The difficulty regarding summary procedure in regard to suits for enhancement of rent can be obviated by accepting the short-notice amendment which I have tabled and which the Hon'ble Member has got with him. In that amendment I have provided for the exclusion of summary proceedings in the case of suits for enhancement of rent. As regards the argument that in cases of enhancement of rent many things may crop up whereas in rent recovery case it is only a question of arrears, I agree with him. But I would ask him to cast his eyes upon the practical things that are done. What is done after the appointment of a guardian? The guardian appointed by the court simply pockets his fees and issues postcard notice. He does not do anything. He does not go to the tenants, but simply issues registered postcard. How does he help the minor tenants in cases of enhancement of rent? As regards summary procedure I have got an amendment which I shall move in proper time. By this amendment the difficulty which the Hon'ble Member has pointed out will be obviated.

As regards other difficulties as soon as the difficulties regarding summary procedure are obviated as a consequential result those will also be obviated.

As regards the execution of decrees the Hon'ble Member has said nothing himself——

The Hon'ble Sir B. B. GHOSE: On a point of order, Sir. The member has not moved his amendment yet. He referred to rules *(f)* and *(g)*. I referred to other clauses of the sections.

Maulvi SYED MAJID BAKSH: If the Hon'ble Member now moves his amendment for circulation how can I move my amendment? That is all the more reason that I should speak on my amendment now, or else he should withdraw his amendment. He has himself urged the strongest ground against his own amendment. If my amendment excluding summary proceedings in the case of suits for enhancement of rent be accepted, the other difficulties to which he referred will not arise.

4 p.m.

The motion that the Bengal Tenancy (Amendment) Bill be circulated for the purpose of eliciting opinion thereon by the 31st May, 1932 was then put and a division taken with the following result:—

AYES.

Armstrong, Mr. W. L.
Bartley, Mr. C.
Basir Uddin, Khan Sahib Maulvi Mahammed.
Basu, Babu Jatindra Nath.
Blandy, Mr. E. N.
Bose, Mr. S. M.
Bottomley, Mr. J. M.
Chaudhuri, Dr. Jogendra Chandra.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Cohen, Mr. D. J.
Cappinger, Major-General W. V.
Dain, Mr. G. R.
Das, Rai Bahadur Kamini Kumar.
Das, Rai Bahadur Satyendra Kumar.
Dutt, Rai Bahadur Dr. Haridhan.
Farequi, the Hon'ble Nawab K. D. M., Khan Bahadur.
Fawcus, Mr. L. R.
Forrester, Mr. J. Campbell.
Gangali, Rai Bahadur Susil Kumar.
Ghose, the Hon'ble Sir B. B.
Ghuznavi, the Hon'ble Alhadj Sir Abdalkerim.
Gilchrist, Mr. R. N.
Guha, Babu Prafulla Kumar.
Guha, Mr. P. N.
Gupta, Mr. J. N.
Gurner, Mr. C. W.
Hopkyns, Mr. W. S.
Hussain, Maulvi Latafat.
Kerr, Mr. W. J.
Khan, Maulvi Amin-ur-Zaman.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Philpot, Mr. H. C. V.
Poddar, Mr. Ananda Mohan.
Poddar, Seth Hunuman Prasad.
Prentice, the Hon'ble Mr. W. D. R
Rai Mahasai, Munindra Deb.
Ray, Babu Khetter Mohan.
Ray Chowdhury, Babu Satish Chandra.
Roy, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Ray, the Hon'ble Mr. Bijay Prasad Singh.
Sahana, Babu Satya Kinkar.
Sarkar, Sir Jadunath.
Wilkinson, Mr. H. R.

NOES.

Ali, Maulvi Hassan.
Ali, Maulvi Syed Nausher.
Baksh, Maulvi Syed Majid.
Bal, Babu Lalit Kumar.
Bal, Mr. Sarat Chandra.
Banerji, Mr. P.
Barma, Rai Sahib Panchanan.
Basu, Mr. Narendra Kumar.
Chaudhuri, Babu Kishori Mohan.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Maulvi Syed Osman Haider.
Chaudhury, Maulvi Nural Absar.
Chowdhury, Haji Badi Ahmed.
Chowdhury, Maulvi Abdul Ghani.
Eusufji, Maulvi Nur Rahman Khan.
Fazlullah, Maulvi Muhammad.
Hakim, Maulvi Abdul.
Hashemy, Maulvi Syed Jalaluddin.
Hoque, Kazi Emdadul.
Hossain, Maulvi Muhammad.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Maiti, Mr. R
Momin, Khan Bahadur Muhammad Abdul.
Mookerjee, Mr. Syamaprasad.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Mullick, Mr. Mukunda Behary.
Nag, Babu Suk Lal.
Raheem, Mr. A.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Ray, Babu Amulyadhan.
Ray, Babu Nagendra Narayan.
Ray, Mr. Shanti Shekhareswar.
Rout, Babu Hemoni.
Roy, Babu Satyendra Nath.
Sadaatullah, Maulvi Muhammad.
Samad, Maulvi Abdus.
Sarker, Rai Sahib Rebati Mohan.
Sen, Rai Sahib Akshoy Kumar.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.
Sircar, Dr. Sir Nilratan.

The Ayes being 46 and the Noes 46, the Hon'ble the President gave his casting vote in favour of the motion.

The motion was therefore carried.

The motion that the Bengal Tenancy (Amendment) Bill, 1931, be taken into consideration failed.

[At 4-7 p.m. the Council was adjourned for prayer and it reassembled at 4-24 p.m.]

The Calcutta Rent Bill, 1932.

Mr. P. BANERJI: I beg to move for leave to introduce a Bill to improve the tenancy conditions in Calcutta.

[Several members complained that they had not received copies of the Bill.]

Mr. PRESIDENT: So far as this particular motion is concerned, it is not necessary that members should have a copy of the Bill.

The motion of Mr. P. Banerji was then put and agreed to.

[The Secretary read the short title of the Bill.]

The following motion was called but not moved:—

Mr. P. BANERJI to move that the said Bill be referred to a Select Committee consisting of—

(*1*) the Hon'ble Minister in charge of the Local Self-Government Department,
(*2*) Mr. C. W. Gurner,
(*3*) Babu Jitendralal Bannerjee,
(*4*) Babu Jatindra Nath Basu,
(*5*) Mr. Shanti Shekhareswar Ray,
(*6*) Munindra Deb Rai Mahasai,
(*7*) Dr. Naresh Chandra Sen Gupta,
(*8*) Mr. A. K. Fazl-ul Huq,
(*9*) Mr. A. Raheem, C.I.E.,
(*10*) Maulvi Abul Kasem,
(*11*) Maulvi Syed Jalaluddin Hashemy,
(*12*) Mr. K. C. Ray Chaudhuri,
(*13*) Mr. C. G. Cooper,
(*14*) Mr. J. Campbell Forrester,
(*15*) Mr. Narendra Kumar Basu,
(*16*) Babu Gokul Chand Bural; and
(*17*) the mover,

with instruction to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

The Bengal Suppression of Immoral Traffic Bill, 1932.

Babu JATINDRA NATH BASU: I beg to move for leave to introduce a Bill to amend the Calcutta Suppression of Immoral Traffic Act, 1923, and to provide for the extension of its provision to any town or place in Bengal, and further to amend the Bengal Children Act, 1922, and further to amend the Calcutta Police Act, 1866.

The motion was put and agreed to.

[The Secretary read the short title of the Bill.]

Babu JATINDRA NATH BASU: I beg to move that the Bill just introduced be circulated for the purpose of eliciting opinion thereon by the 30th April, 1932.

Sir, by this Bill I propose to consolidate the provisions of law that lie scattered over several enactments and my object is to frame a Bill containing provisions applicable to this Province in line with similar provisions of law in other parts of India. Bombay and Burma have gone ahead in dealing with this particular subject by legislation, and Ceylon also has passed similar legislation. It is desirable, therefore, that we should so frame our legislation that it may be in line with provisions obtaining in other parts of India.

The Hon'ble Mr. W. D. R. PRENTICE: Sir, Government support this motion for circulation, as they think that the provisions contained in the Bill are important and that public opinion should be invited on them. At the same time, Government feel that the time allowed by the motion is extremely short, and that the public may not be able to consider a Bill of this nature fully within the period specified, viz., 30th April, 1932. But while supporting the motion for circulation, I should like to make it clear to the House that the experience of the working of similar legislation in Bombay—as you will find from the Annual Report on the Police in the city of Bombay for 1930—is that it has not been found possible to enforce the provisions with any real success

4-30 p.m.

It has been pointed out in that Report in connection with the last amendment of that Act that it is difficult to work, and that for its enforcement to be effective a considerable increase in staff is necessary. The Act affords a number of loopholes and action in the old tolerated area has apparently led to an increase of prostitution in other parts of the city. So although I support the motion for circulation, I want to make it clear that this is not to be interpreted as meaning that Government admit that all the provisions of the Bill are either desirable or workable.

Babu JATINDRA NATH BASU: With reference to the apprehensions to which the Hon'ble Mr. Prentice has given expression, he probably knows that there are certain Acts which have not been worked as they were intended to be, and remain practically a dead letter for want of proper working facilities. We know that the working of the existing Act for the protection of children touches only a fringe of the evil, and that Government have difficulty in providing for the accommodation of children rescued from brothels. But because we have experienced these difficulties, there is no reason why legislation should not be brought in. I commend my motion to the acceptance of the House.

The motion that the Bengal Suppression of Immoral Traffic Bill, 1932, be circulated for the purpose of eliciting opinion thereon by the 30th April, 1932, was then put and agreed to.

The Bengal Jute Bill, 1932.

Dr. NARESH CHANDRA SEN GUPTA: I move for leave to introduce a Bill to regulate and control the production of jute.

Mr. C. C. COOPER: I rise to object to the introduction of this Bill. A similar Bill was introduced last year, and it was fully discussed in this House. The Bill of last year was a bad one, but in my opinion this is a worse Bill.

Dr. NARESH CHANDRA SEN GUPTA: On a point of order, Sir. If there is any objection to the introduction of my Bill, I hope I shall have a right to reply?

Mr. PRESIDENT: Yes, you will.

Mr. C. C. COOPER: As I was saying a similar Bill was introduced last year, and was fully discussed. The pros and cons of the theory of that Bill were discussed in this House, and the Bill was not approved of, and this by a large majority. Nothing has happened in the interval to change the opinion regarding the Bill that it is opposed to public policy, that it is opposed to the interests of the jute trade, that it is wholly impracticable, and that it is one which even in the most favourable circumstances, could never be made effectual. I therefore oppose the introduction of this Bill.

Dr. NARESH CHANDRA SEN GUPTA: My friend, Mr. Cooper, has assumed that this Bill which I have just introduced is the identical Bill which was before the House on a former occasion. If he had closely scrutinised the provisions of this Bill, he would have found that it is not the identical Bill——

Mr. C. C. COOPER: On a point of explanation. I said a similar Bill was before this House. This Bill is even worse.

Dr. NARESH CHANDRA SEN GUPTA: As I was saying, it is not the identical Bill. I ought to tell the House how it differes from the Bill that was discussed in this House on a former occasion, and even if it were the identical Bill there would be no harm in discussing the matter over again. On the last occasion I told the House that I had given notice of a Bill for controlling the production of jute, in which there were certain clauses which required the sanction of the Governor General, and others which required the sanction of His Excellency the Governor. As that sanction was not obtained, I moved a second Bill, and that was the Bill which was discussed in this House on the last occasion, and during the discussion at any rate, there were some criticisms directed to this, that that Bill had no provision by which the provincial scheme, which had been decided upon, could be enforced. If I am not mistaken, at one stage of the discussion of that Bill, my friend Mr. Ormond made a point against the Bill that there was no provision in it for enforcing the scheme. The Bill which I have introduced now makes provision for enforcing the decision of the Provincial Board. If it is passed into law, there can be no question now that there will be a proper machinery by which the cultivators will be apprised of the probable demand for jute in the ensuing season in good time. They will know to what extent they can restrict or enlarge the cultivation of jute, having regard to the probable market demand, and a machinery will be provided by which the faithful pursuit of the policy laid down will be ensured by the union boards or the jute board, as the case may be. In this way a compulsory provision has now been introduced which will enable the programme being effectively carried out. To that extent one of the criticisms has been met. It may be that the machinery which I have provided may not be perfect, it may be that it is possible to evolve a more perfect machinery. Well, if there is a better machinery available, a machinery which is not to be created out of air, but a machinery which exists in the present circumstances of the country, if it is possible to have such a machinery, the Select Committee will be able to find it out when the Bill goes before it. That is the principal difference between the two Bills. For the rest, the Bill is the same, and I make no apology for coming before this House again to press for the consideration of a Bill which will have

enormous influence on the economic life of the Province. There can be no question that the prosperity of Bengal is bound up with jute, not with the fabric, but with the economic value of jute, and there is no doubt at the same time that because we have systematically neglected to increase the economic value of jute to the people, that things have gone from bad to worse, and we have come to such a state that although for years we have had the possession of a monopoly which ought to make us rich, our peasants, our middle classes, our landlords and our Government are all starving, and to-day, Mr. Marr has given us a plaintive story of the position of Bengal as it is at the present moment. He has presented before us a budget which is depressing in the extreme; that also furnishes a reason, an additional reason, why we should take into consideration some means for developing the economic resources of the Province upon which the revenues of the Province must necessarily depend.

The Hon'ble Nawab K. C. M. FAROQUI, Khan Bahadur: Sir, I had no intention to oppose the introduction of the Bill, but when I find that some of my friends are opposing the introduction of the Bill, and when their attitude in this respect appears to me to be reasonable and logical, I cannot help lending my support to them. A similar Bill by Dr. Sen Gupta, though much less objectionable and harmless, was introduced in the Council about this time last year. The House agreed to the circulation of the Bill then with a view to eliciting public opinion thereon. Public opinion, however, expressed itself as being violently opposed to the Bill and to the principles underlying it. In view of that opinion, this House was convinced of the sheer impracticability of the measure, and by an overwhelming majority, the House refused to consider the Bill any further. That was only in the last July session of the Council. I submit, Sir, that the present Bill is much more objectionable in its features, and, Sir, I share the views of some of the speakers who have preceded me that it would be a sheer waste of public time and money to devote any further consideration to any such measure. I am the more fortified in my views by the fact that by propaganda we were able to reduce the area and the outturn of jute last year by about 50 per cent., and that we have already started similar propaganda in regard to the next jute crop I would add here that we have, at the same time, been carrying on a propaganda for the cultivation of another valuable money crop, viz., that of sugarcane on the land that may be set free from the cultivation of jute. The effect of the propaganda regarding extended cultivation of sugarcane has been extraordinary, and 27 lakhs of setts of sugarcane cuttings are being distributed this year by the Agricultural Department. I do not see why we should seek to do by legislation what we can do by means of voluntary restriction.

On behalf of Government, therefore, Sir, I join in opposing the introduction of the Bill.

The motion that leave be given to introduce a Bill to regulate and control the production of jute was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Ali, Maulvi Syed Naugher.
Baksh, Maulvi Syed Majid.
Banerji, Mr. P.
Basu, Mr. Narendra Kumar.
Chaudhuri, Babu Kisheri Mohan.
Chaudhuri, Dr. Jogendra Chandra.
Choudhury, Maulvi Nural Absar.
Chowdhury, Maulvi Abdul Ghani.
Eusufji, Maulvi Nur Rahman Khan.
Fazlullah, Maulvi Muhammad.
Hakim, Maulvi Abdul.
Hashemy, Maulvi Syed Jalaluddin.
Hoque, Kazi Emdadul.
Hosain, Nawab Musharruf, Khan Bahadur.
Hossain, Maulvi Muhammad.
Karim, Maulvi Abdul.
Khan, Maulvi Tamizuddin.
Marti, Mr. R.
Mookerjee, Mr. Syamaprosad.
Rai Mahasai, Munindra Deb.
Ray, Mr. Shanti Shekhareswar.
Rout, Babu Hoseni.
Roy, Babu Satyendra Nath.
Sen Gupta, Dr. Naresh Chandra.
Sircar, Dr. Sir Hiiratan.

NOES.

Armstrong, Mr. W. L.
Austin, Mr. J. M.
Bai, Babu Lalit Kumar.
Bai, Mr. Sarat Chandra.
Barma, Rai Sahib Panchanan.
Bartley, Mr. C.
Basir Uddin, Khan Sahib Maulvi Mohammed.
Birkmyre, Mr. H.
Blandy, Mr. E. N.
Bottomley, Mr. J. M.
Burai, Babu Gokul Chand.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chaudhuri, Maulvi Syed Osman Haider.
Chowdhury, Haji Badi Ahmed.
Cohen, Mr. D. J.
Coppinger, Major-General W. V.
Cooper, Mr. C. G.
Dain, Mr. G. R.
Das, Rai Bahadur Kamini Kumar.
Das, Rai Bahadur Satyendra Kumar.
Farequi, the Hon'ble Nawab K. G. M., Khan Bahadur.
Fawcus, Mr. L. R.
Forrester, Mr. J. Campbell.
Gangali, Rai Bahadur Suali Kumar.
Ghose, the Hon'ble Sir B. B.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gilchrist, Mr. R. N.
Guha, Babu Profulla Kumar.
Guha, Mr. P. N.
Gurner, Mr. C. W.
Hopkyns, Mr. W. S.
Hussain, Maulvi Latafat.
Kasem, Maulvi Abul.
Kerr, Mr. W. J.
Khan, Maulvi Amin-uz-Zaman.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Mr. Razaur Rahman.
Law, Mr. Surendra Nath.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
Miller, Mr. C. C.
Momin, Khan Bahadur Muhammad Abdul.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Mullick, Mr. Mukunda Behary.
Nag, Babu Suk Lal.
Norton, Mr. H. R.
Ordish, Mr. J. E.
Ormond, Mr. E. C.
Philpot, Mr. H. C. V.
Prentice, the Hon'ble Mr. W. D. R.
Raheem, Mr. A.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Ray, Babu Nagendra Narayan.
Rose, Mr. J.
Roy, Mr. Saileswar Singh.
Roy, the Hon'ble Mr. Bijoy Prasad Singh.
Sadatullah, Maulvi Muhammad.
Sahana, Babu Satya Kinkar.
Samad, Maulvi Abdus.
Sarkar, Sir Jadunath.
Sarkar, Rai Sahib Rebati Mohan.
Sen, Rai Sahib Akshoy Kumar.
Shah, Maulvi Abdul Hamid.
Sulaiman, Maulvi Muhammad.
Wilkinson, Mr. H. R.
Wordsworth, Mr. W. C.

The Ayes being 26 and the Noes 69, the motion was lost.

4-45 p.m.

The Bengal Cess (Amendment) Bill, 1932.

The following motion was called but not moved:—

Babu KHETTER MOHAN RAY to move for leave to introduce a Bill to amend the Cess Act, 1880.

The Bengal Pasture Bill, 1932.

MUNINDRA DEB RAI MAHASAI: I beg to move for leave to introduce a Bill to provide for pasture lands in Bengal.

The motion was put and agreed to.

[The Secretary then read the short title of the Bill.]

MUNINDRA DEB RAI MAHASAI: I beg to move that the Bengal Pasture Bill, 1932, be referred to a Select Committee consisting of—

(1) the Hon'ble Minister in charge of Agriculture and Industries Department;

(2) Mr. L. R. Fawcus;

(3) Mr. Narendra Kumar Basu;

(4) Dr. Naresh Chandra Sen Gupta;

(5) Babu Satish Chandra Ray Chowdhury;

(6) Maulvi Abdus Samad;

(7) Maulvi Syed Jalaluddin Hashemy;

(8) Mr. P. Banerji;

(9) Babu Jitendralal Bannerjee; and

(10) the mover,

with instruction to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Mr. President, Sir, the Cattle Bill which I sponsored is dead but it is not dead to me. By the wise dispensation of Providence, I hope, it will revivify and appear in a different garb. It has not been able to dishearten me else I would not have sponsored the Bengal Pasture Bill which I have just introduced. I do not know the fate which awaited it. However, bold optimist as I am, let me hope for the best. The Bill is intended to make provision for pasturage. The deterioration of cattle in this country is partly due to the inadequacy

of pasture lands. The value of land in India is much cheaper than that of any other western country and even that of our Eastern neighbour Japan. This would lead one to expect that the greater proportion of land would be set apart for grazing but unfortunately the case is quite the reverse. Mr. J. R. Blackwood, I.C.S., in his survey and census of cattle of Bengal, observed: "In Bengal at the present time, waste land is being encroached upon because it is more profitable to cultivate it than to retain it in waste. In Great Britain the opposite tendency is manifested. The tendency there is to gradually throw more and more cultivated land into pasture." In my Statement of Objects and Reasons I have given the comparative figures of several countries to show the inadequacy of grazing lands in this country. It would appear that while in other countries grazing ground allotted for cattle is about 10 per cent. of the total area, in India the proportion is hardly 3 per cent. The raising of fodder crops is also not widely in vogue.

Climatic conditions and want of pasturage are responsible for the stunted growth of cattle in West Bengal which have turned into pigmies. The consequent result is the deterioration, both of the quantity and quality of the milk supply in the countryside, which is the one perfect food for young and old. The bullocks which used to carry a cart-load of bricks numbering 250 to 300, can scarcely carry half that number. Formerly a pair of good country bullocks was considered sufficient for 20 to 25 bighas sown with paddy but nowadays, the majority of them can hardly do half the work. The remarks of Mr. Carstairs made fifty years ago still hold good. He observed in 1883 in his report on the condition of the *raiyats* in part of Chanditala thana in the Serampore subdivision of my district: "Rich men's cattle can go in gardens, but poor men's cattle have been deprived of their old common grazing grounds. These have been appropriated and rented out by the *zemindars*. The *raiyat* turns his cattle into the paddy fields in the cold weather but they pick a very scanty living up there. I only note here that the shutting up of the grazing grounds increases the expenses of the *raiyat*, because he has to keep more food for the bullocks, because the want of freedom weakens the cattle and makes them less fit for work, and because they are more likely to fall victims to disease, and he will then have to buy new cattle. The *ails* or boundary ridges of fields used to be wide and suitable for the *raiyats* walking along to his fields and very useful for grazing cattle on. They are now little mud threads. High rents and measurements have done this. No *raiyat* can afford to leave so much land uncultivated. He cuts it on one side, and his neighbour has to resist or cut it on the other.....this mischief is done by inches. In all these matters it is the interest (possibly not real but immediate) of the *zemindar* to let the mischief go on. If a [illegible]

appropriates part of a road, this is assessed. If he encroaches on the *nal*, he cultivates all the more, and it is included in his jote. He will be all the more content to pay high rates. The *zemindar* does not usually live in the village. Want of roads or grazing ground there does not put him to personal inconvenience. He may be as good a man as John Gilpin, but with him too, loss of pence is the main consideration." Mr. Carstairs has to a certain extent correctly diagnosed the disease which is eating into the vitals of the nation. Primarily the *raiyats* and secondarily the *zemindars* are responsible for bringing about this deplorable state of things. I am sorry for some of my fellow *zemindars* who have expressed their astonishment on finding me, a member of an ancient zamindar family, as a sponsor of a Bill which is likely to jeopardize the interest of the landholders. I also expect to meet some opposition in this Council from that quarter. But before they did so, I should like to humbly beseech them to ponder over the matter more seriously from a different standpoint. Rupees, annas and pies have, no doubt, got their instrinsic value but that was not all which one should look for in this world. The angle of vision required further extension. It should go beyond the present. The future of the cattle wealth of Bengal as a whole, demanded careful consideration. The deterioration of cattle seriously affected both the health and the wealth of the people. My fellow *zemindars* should remember that upon these two important factors, depended their own welfare. Had the condition of the tenantry been prosperous, it would have benefited them all the more in tiding over difficulties with which they are confronted. It is high time for them to identify themselves with their weal and woes, to justify their claims to hold their own as natural leaders of the country. They should not forget that the forefathers of some of the *zemindars* spent their all for the good of their tenantry and endeared themselves in their heart of hearts. Almost all the big tanks, temples, alms-houses, educational and charitable institutions in the country owed their existence to the liberality and munificence of the *zemindars* of Bengal. It was they who provided pasture lands for the tenantry and it behoves their descendants to help to restore them. A little sacrifice on their part will not materially affect their interests but will do a lot of good to the country.

With these few words I commend my motion for the acceptance of the House.

5 p.m.

Maulvi ABDUL HAMID SHAH: I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1932.

He spoke in Bengali, the English translation of which is as follows:—

"Mr. President, I want to draw in a few words the attention of the members of the Council to the necessity of circulating the draft of Rai Mahasai's Pasture Bill in the country. Vast regions of pasture grounds which existed in the country have been disposed of by the landlords to the tenants on payment of large sums of money as *salami*, and the tenants, lacking in foresight as they are, have forgot the vital problems of subsistence and improvement of the cattle and turned these pastures into fields of cultivation. The circulation of the Bill will attract the minds of both these classes of people to this important question and may induce them to rectify the mistakes committed by them in the past; moreover, nobody will deny that the subject of the Bill more vitally concerns these two classes of people than any other and it is more necessary to have their opinion on it.

I move, therefore, for the circulation of the Bill before referring it to the Select Committee."

The Hon'ble Nawab K. C. M. FAROQUI, Khan Bahadur: Instead of moving my amendment I would like to support the motion of Maulvi Abdul Hamid Shah. I hope Rai Mahasai will find his way to agree to the circulation motion.

The following motion was called but not moved:—

The Hon'ble Nawab K. C. M. FAROQUI, Khan Bahadur, and Mr. P. N. GUHA to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon within two months from the date on which this motion is carried in Council.

Mr. SARAT KUMAR ROY: As the circulation motion is going to be accepted I do not move my motion.

The motion that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1932, was then put and agreed to.

The motion of Munindra Deb Rai Mahasai therefore failed.

The Bengal Disorders Compensation Bill, 1932.

Rai Bahadur SATYENDRA KUMAR DAS: Mr. President, Sir, I beg to move for leave to introduce a Bill to award compensation to sufferers for injury caused by an unlawful assembly.

I do not think I should inflict a long speech while introducing this Bill, as my object for introducing this Bill will be apparent from the Statement of Objects and Reasons embodied in the Bill, copies of which have been circulated, but I would say one word to the hon'ble members who apprehend that I am going to arm the police with extra powers. The police have not been vested with any such powers but the Chief Presidency Magistrate and District Magistrates to compensate sufferers from riots by imposing a tax, and a provision has been made for appeal in case the aggrieved parties are not satisfied with the decision. There is also provision for exclusion of person or persons from payment of taxes, who, in the opinion of the authorities, are innocent. I would further submit that it is not really a Police Act but modelled on the lines of the Bombay Police Act. I have brought forward this Bill as there is no law in Bengal at present for awarding compensation in cases I have mentioned.

The motion was put and agreed to.

[The Secretary then read the short title of the Bill.]

Rai Bahadur SATYENDRA KUMAR DAS: As I am ready to accept the motion of the Hon'ble Mr. Prentice for circulation of the Bill should I move my motion to refer the Bill to a Select Committee?

Mr. PRESIDENT: If you do not move your motion, Maulvi Abdul Hamid Shah and the Hon'ble Mr. Prentice cannot move their amendments.

Rai Bahadur SATYENDRA KUMAR DAS: Then, I move that the said Bill be referred to a Select Committee consisting of—

(1) the Hon'ble Member in charge of the Political Department,

(2) Maulvi Abdus Samad,

(3) Maulvi Syed Majid Baksh,

(4) Mr. B. C. Chatterjee,

(5) Babu Satish Chandra Ray Chowdhury,

(6) Rai Bahadur Kamini Kumar Das, M.B.E.,

(7) Rai Bahadur Keshab Chandra Banerji,

(8) Mr. Ananda Mohan Poddar,

(9) Maulvi Abdul Ghani Chowdhury, and

(10) the mover,

with instruction to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Maulvi ABDUL HAMID SHAH: I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1932.

He spoke in Bengali, the English translation of which is as follows:—

"Mr. President, I support that the draft of Rai Satyendra Kumar Das Bahadur's Bengal Disorders Compensation Bill be circulated for eliciting public opinion for two reasons; firstly, discussions on the subject of the Bill will draw the attention of the public to the inevitable results of illegal riots, and secondly, with regard to decision as to the extent of the compensation and means to realise it, it will help to throw light on the real condition of the victims and give us an opportunity to have their opinion.

I move, therefore, for the circulation of the Bill before referring it to the Select Committee."

The Hon'ble Mr. W. D. R. PRENTICE: Government did not oppose the introduction of the Bill as they did not think it right to deprive the member of an opportunity of submitting his Bill for public examination and criticism. But they certainly object to the principle of the Bill being adopted by a decision to refer it to a Select Committee. The provisions of the Bill are wide and their working may cause considerable difficulty to Government. I therefore support the motion for circulation so that we may get the views of all classes of the community concerned, on the provisions of the Bill before we decide whether to support it or not. I do not move the motion that stands in my name, but support that of Maulvi Abdul Hamid Shah.

The following motions were called but not moved:—

The Hon'ble Mr. W. D. R. PRENTICE to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon before the 31st May, 1932.

Mr. P. N. GUHA to move, by way of amendment, that the Bill be circulated for the purpose of eliciting public opinion thereon within two months from the date on which this motion is carried in Council.

The motion that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1932, was then put and agreed to.

The motion of Rai Bahadur Satyendra Kumar Das therefore failed.

Adjournment.

The Council was then adjourned till 3 p.m., on Tuesday, the 23rd February, 1932, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Tuesday, the 23rd February, 1932, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 110 nominated and elected members.

Motion for adjournment.

Maulvi SYED JALALUDDIN HASHEMY: Sir, with reference to my motion for adjournment anent the Hashnabad shooting affair, I should like, with your permission, to make a brief statement. The Hon'ble Mr. Prentice made a statement on the subject the other day based entirely upon information supplied by the local authorities. In the meantime, I and some of my friends here have also received some information on the subject from sources which we believe to be entirely authentic and trustworthy. Unfortunately, our information does not tally with the information of the Hon'ble Home Member. In these circumstances, I should like, with your permission, to put a few questions to him with a view to clear up the situation. If the Hon'ble Member answers my questions and if his answers are satisfactory, I am quite willing not to press my motion for adjournment, as I do not want unnecessarily to take up the time of the Council. But if he declines to answer or if his answers are of the stereotyped official sort, then I shall have no alternative but to press my motion

Starred Questions

(to which oral answers were given).

Muslim Girls' School in Calcutta.

***72. Maulvi TAMIZUDDIN KHAN:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) whether there is any high English school for Muslim girls in the province;

(*ii*) whether the Government is promise-bound to establish at least one such school to be located in the city of Calcutta?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, will the Hon'ble Minister be pleased to state whether any steps have been taken or are intended to be taken in the near future to this end?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): (*a*) (*i*) No.

(*ii*) No, but Government have under consideration a proposal from the Director of Public Instruction for the establishment of such a school.

(*b*) Does not arise.

Maulvi ABDUL KARIM: Will the Hon'ble Minister be pleased to state what has become of the proposal to raise the Sakawat Memorial School to the standard of a high school for girls?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I would refer the member to my answer (*ii*).

Khan Bahadur MUHAMMAD ABDUL MOMIN: Will the Hon'ble Minister kindly state by what time it is expected that the proposal submitted by the Director of Public Instruction will materialise?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: It is very difficult to give a definite date.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Is the Hon'ble Minister aware that the feeling amongst the Moslem community is very strong on account of the want of a suitable high school for Muhammadan girls?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I am not aware of that.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Minister be pleased to state whether the Bethune School is a Government school?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: It is a Government school.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Minister be pleased to state whether he is considering the desirability of opening out the Bethune School for the education of Muhammadan girls till the proposal of the Director of Public Instruction for the establishment of a high school for Moslem girls materialises?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: There are legal difficulties in the way of doing this.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Will the Hon'ble Minister be pleased to state whether it is possible for Muhammadan girls to be admitted into any high schools in Calcutta?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: There are aided high schools for girls where Muhammadan girls can take their admission.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Is there any provision for the teaching of Arabic and Persian in those schools?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: So far as I know there is none but I think it is possible for Muhammadan girls to get higher education in those schools.

Khan Bahadur MUHAMMAD ABDUL MOMIN: If there is no provision for the teaching of Arabic and Persian in those schools, does the Hon'ble Minister consider them to be suitable for Muhammadan girls?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Government are considering the question of establishing high schools for Muhammadan girls.

Classification of prisoners Kalyani Das and Ashrafuddin Chowdhury.

***73. Dr. NARESH CHANDRA SEN GUPTA:** (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state whether Kalyani Das, an M.A. student and the daughter of a head-master of an high English school who was convicted on the 21st January last for holding a meeting in violation of a prohibitory order, has been placed in division III?

(*b*) Is it a fact that Ashrafuddin Chowdhury, a very respectable citizen of Comilla, who was convicted of a similar offence, has been placed in division III?

(*c*) Will the Hon'ble Member be pleased to state on what principle these persons have been placed in division III?

(*d*) Are the Government considering the desirability of revising the order and placing them in division I?

MEMBER in charge of POLITICAL (JAILS) DEPARTMENT (the Hon'ble Sir B. B. Ghose): (*a*) As she did not furnish particulars entitling her to be placed in a higher division and was not known to the

trying Magistrate, she was recommended for division III, but subsequently, on a reference being made, she was placed in division II.

(*b*) No. He has been placed in division I.

(*c*) The question does not arise.

(*d*) No. The question of revision is considered only on representation from the prisoner concerned.

Classification of certain lady prisoners.

***74. Maulvi SYED JALALUDDIN HASHEMY:** (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state—

(*i*) whether it is a fact that certain lady prisoners including Miss Kalyani Das, B.A., and Miss Amita Datta, B.A., were made to wear jail dress; and

(*ii*) whether they were recommended as division II prisoners by the trying Magistrates?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whose order prevails inside the jail—the trying Magistrate's recommendations or the order of the officer in charge of the jail?

The Hon'ble Sir B. B. GHOSE: (*a*) (*i*) Yes, as they were not placed in division I.

(*ii*) Yes.

(*b*) The officer in charge of a jail has no power to vary the Magistrate's recommendation as to classification.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state if there has been any change in the policy of Government, since he has assumed office in connection with the treatment of lady *satyagrahi* prisoners in the jails of Bengal?

The Hon'ble Sir B. B. GHOSE: I am not aware of any change of policy.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether the lady political prisoners have to put on convict's dress?

The Hon'ble Sir B. B. GHOSE: The Jail Department does not class any prisoner as political prisoner.

Mr. SHANTI SHEKHARESWAR RAY: Is it not a fact that two lady prisoners were made to wear jail dress?

The Hon'ble Sir B. B. GHOSE: The answer to the question is given in (a) (i) of the answers given to the questions of Maulvi Syed Jalaluddin Hashemy.

Mr. SHANTI SHEKHARESWAR RAY: If the Hon'ble Member be pleased to see the answer, he will find that there is nothing of the sort there.

The Hon'ble Sir B. B. GHOSE: The answer is there. They were given jail clothes.

Babu JITENDRALAL BANNERJEE: Is it a fact that the jail dress for division II prisoners is different from that of division III prisoners?

The Hon'ble Sir B. B. GHOSE: I think so, but I am not quite sure.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state if the Government have issued orders that Hindu widows are not to be allowed to cook their own food in the Presidency Jail?

The Hon'ble Sir B. B. GHOSE: No.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state if it is not a fact that Hindu widows had to go without food for several days as they were not allowed to cook their own food in the jail?

The Hon'ble Sir B. B. GHOSE: I am not aware of this.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to make inquiries into the matter?

The Hon'ble Sir B. B. GHOSE: In one case I made inquiries on application and I allowed her to cook her own good.

Détenus in Dacca Jail.

***75. Rai SATYENDRA KUMAR DAS Bahadur:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state why the "unconfirmed" détenus are put into the same yard in the Dacca Jail with the "confirmed" détenus?

(*b*) Are the Government considering the advisability of keeping the two classes separate?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) Because other accommodation is not available.

(*b*) No, it is not possible.

Rai SATYENDRA KUMAR DAS Bahadur: Does not the Hon'ble Member consider that a distinction should be made between unconfirmed detenus and confirmed detenus?

The Hon'ble Mr. W. D. R. PRENTICE: Both are detained under the same Act though under different sections.

Dacca-Narayanganj Road.

***76. Rai SATYENDRA KUMAR DAS Bahadur:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether the supplementary estimate for the Dacca-Narayanganj Road has been sanctioned?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether any allotment of funds will be made this year for the land acquisition proceedings?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Bijoy Prasad Singh Roy): (*a*) and (*b*) The question refers presumably to the estimate for the bridge over the Dholai khal. This is being examined but has not yet been sanctioned, and it is not likely that an allotment of funds will be required before the end of March.

Rai SATYENDRA KUMAR DAS Bahadur: Will the Hon'ble Minister be pleased to state when the examination of the scheme is likely to be finished?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: It is very difficult to give a definite date.

Agrarian agitation in Tippera.

*76A. **Maulvi SYED JALALUDDIN HASHEMY:** (*a*) Is the Government aware of the fact that owing to acute economic depression an agrarian movement is going on in the Tippera district for the last two years?

(*b*) Is the Government aware of the fact that before the arrival of Mr. Abdul Ghafoor and Mr. Ellison as District Magistrate and Additional Superintendent of Police, respectively, there was no breach nor the apprehension of breach of peace in the said district owing to the said movement?

(*c*) Is the Government aware of the fact that "Rin Shamashya Samadhan Samiti" had nothing to do with the no-rent campaign?

(*d*) Is the Government aware of the fact that the resolution of the no-rent campaign was dropped in the last Provincial Political Conference held at Berhampore?

(*e*) Is the Government aware of the fact that Messrs. Akhil Chandra Dutta, Kamini Kumar Dutta, Prakash Chandra Dutta and Maulvi Habibur Rahman, B.L., now detained under the Emergency Powers Ordinance and Maulvi Ashrafuddin Ahmad Chowdhury, *ex*-M.L.C., and Maulvi Mokhlesur Rahman had always been working together in redressing the grievances of the peasants of the said district?

(*f*) Is the Government aware of the fact that the officer in charge of the Laksam police-station had been at Hossainabad from the 11th instant to the 13th with twelve armed police?

(*g*) Is the Government aware of the fact that the procession and the meeting on the "*Krishak Day*" was organised by the "Rin Shamashya Samadhan Samiti" which is not declared illegal and there was no order under section 144, Cr. P. C., prohibiting from holding any meeting at Hossainabad?

(*h*) Is the Government aware of the fact that the processionists obeying the order of the police did not proceed to the market and assembled at the local "*Idgah*" to hold a meeting to discuss the present economic condition?

(*i*) Is the Government aware of the fact that the police opened fire at the "*Idgah*" without giving warning to the crowd?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Owing to the fall in prices and the shortage of money, there has been economic stress in Tippera as elsewhere during the past two years and there has been a certain amount of agrarian agitation during these years.

(*b*) No. While, so far as is at present known, there has been no serious breach of the peace previously in connection with the agrarian movement in Tippera district, there have been apprehensions, and in 1931 Government called for a series of reports on the subject.

(*c*) Government have no information about this *samiti*, unless it is another name of the "Tippera Krishak Samiti" which has been largely responsible for the agitation.

(*d*) Yes.

(*e*) Some of the persons named have been reported as taking part in recent activities of the "Tippera Krishak Samiti."

(*f*) The officer in charge of Laksam police-station went to Hossainabad on the 11th February. On the 13th an armed force of one head constable and ten constables arrived.

(*g*) From reports and from a leaflet, dated the 6th *Magh*, it appears that the procession and meeting were organised by the "Tippera Krishak Samiti" which was declared to be an unlawful association on the 12th January.

(*h*) Government have no information as to the locality of the "*Idgah*." Part of the crowd assembled near the local *madrasah*, and the larger section came up from the south-west, from the direction of the Noakhali district.

(*i*) No. Repeated warnings were given before fire was ordered.

Maulvi SYED JALALUDDIN HASHEMY: Will the Hon'ble Member be pleased to state how many rifles were there with the officer in charge of the Laksam police-station when he went to the place?

The Hon'ble Mr. W. D. R. PRENTICE: I do not recollect if there is any mention of this in the report.

Maulvi SYED JALALUDDIN HASHEMY: With reference to answer (*f*) and the statement made by the Hon'ble Member the other day, is it not self-contradictory?

The Hon'ble Mr. W. D. R. PRENTICE: No, it is not.

Babu KHETTER MOHAN RAY: With reference to answer (*e*), will the Hon'ble Member be pleased to state whether Babu Akhil Chandra Dutt, Babu Kamini Kumar Dutt, Babu Prakash Chandra Dutt and Maulvi Habibur Rahman have anything to do with the *Krishak Samiti*?

The Hon'ble Mr. W. D. R. PRENTICE: I said that some of the persons were involved.

Babu KHETTER MOHAN RAY: Will the Hon'ble Member be pleased to state whether Government is aware that it is only Maulvi Mokhlesur Rahman and not others who are connected with the *Krishak Samiti* which has been declared unlawful?

The Hon'ble Mr. W. D. R. PRENTICE: That is covered by my answer. The question refers to six persons and I said that some of these people were connected with the *samiti*.

Babu JITENDRALAL BANNERJEE: Is it a fact that the meeting was summoned at the auspices of the "Rin Shamashya Samadhan Samiti" and not of the *Krishak Samiti*?

The Hon'ble Mr. W. D. R. PRENTICE: I have got a notice here of the meeting which is headed by the words "Krishak Samiti Office Committee."

3-15 p.m.

Babu JITENDRALAL BANNERJEE: Is the Hon'ble Member quite sure that the local authorities are not mixing up the *Krishak Samiti* which is a perfectly innocent organisation with an anti-Government political agitation?

The Hon'ble Mr. W. D. R. PRENTICE: I am afraid the *Krishak Samiti* were during the last two years at the bottom of most of this agitation.

Maulvi SYED MAJID BAKSH: Is the Hon'ble Member in possession of any evidence to show that the crowd took up a menacing attitude?

The Hon'ble Mr. W. D. R. PRENTICE: Considering the fact that six of the constables were wounded and the crowd tried to overpower the constables, in that sense the crowd took up a menacing attitude.

Maulvi SYED JALALUDDIN HASHEMY: Will the Hon'ble Member be pleased to state how many bullets and how many buckshots were fired?

The Hon'ble Mr. W. D. R. PRENTICE: Ten rounds of ball and 27 rounds of buckshots.

Maulvi SYED JALALUDDIN HASHEMY: Will the Hon'ble Member be pleased to state the reason why the police took shelter in the house of one gentleman?

The Hon'ble Mr. W. D. R. PRENTICE: The number of the crowd was so large and its attitude so menacing that there was no other alternative for the police but to retire and take shelter.

Maulvi SYED JALALUDDIN HASHEMY: Does the Hon'ble Member want us to believe that after killing three men and wounding others the police had to take shelter in the house of a person?

The Hon'ble Mr. W. D. R. PRENTICE: It is quite possible when several thousands of men were concerned.

Mr. SHANTI SHEKHARESWAR RAY: Was the *Krishak Samiti* declared unlawful in the interests of the zamindars or in the interests of law and order?

The Hon'ble Mr. W. D. R. PRENTICE: In the interests of law and order.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to tell us whether the constables were wounded before the firing or after the firing?

The Hon'ble Mr. W. D. R. PRENTICE: Presumably they were wounded before the firing

Dr. NARESH CHANDRA SEN GUPTA: Considering the fact that the *Krishak Samiti* meeting was called for discussing a purely economic question, it was not an unlawful assembly.

The Hon'ble Mr. W. D. R. PRENTICE: The sub-inspector told the people assembled that the *samiti* had been declared an unlawful association and asked the people to disperse.

Dr. NARESH CHANDRA SEN GUPTA: Was the meeting declared unlawful simply because it was called for by the *Krishak Samiti* or because its object was unlawful?

The Hon'ble Mr. W. D. R. PRENTICE: The people were told that they were members of an unlawful assembly and, therefore, the meeting was asked to disperse.

Dr. NARESH CHANDRA SEN GUPTA: Has the Hon'ble Member taken any legal opinion on the matter?

The Hon'ble Mr. W. D. R. PRENTICE: No legal opinion was taken.

Maulvi SYED MAJID BAKSH: Is the Hon'ble Member prepared to admit that as the injuries to the constables were slight as they took part in the firing, the firing was not justified?

The Hon'ble Mr. W. D. R. PRENTICE: I think the firing was justified. That is in the report of the officer who made the inquiry.

Maulvi SYED JALALUDDIN HASHEMY: Will the Hon'ble Member be pleased to state whether in view of the fact that after the officer in charge of the Laksam thana had been to the place, it is not dramatic that more than a thousand persons assembled there without the knowledge of the police?

The Hon'ble Mr. W. D. R. PRENTICE: Whether it was dramatic is problematic.

Maulvi SYED JALALUDDIN HASHEMY: Will the Hon'ble Member be pleased to state whether the shooting was going on at the *Idgah maidan*?

The Hon'ble Mr. W. D. R. PRENTICE: I have already stated that I do not know where the *Idgah* is situated. It is not shown in the plan nor is it mentioned in the report.

Maulvi SYED JALALUDDIN HASHEMY: Will the Hon'ble Member contradict me if I say that the sentiments of the Mussalmans, particularly of all religious people, will be hurt if the shooting really went on at the *Idgah maidan*?

The Hon'ble Mr. W. D. R. PRENTICE: That is a hypothetical question.

Maulvi SYED JALALUDDIN HASHEMY: If, in the circumstances, I propose that a committee of inquiry be appointed, consisting of Mr. J. N. Basu, Sir Lancelot Travers and Sir Nilratan Sircar, to inquire into the question whether the actual firing took place at the *Idgah* or not, will the Hon'ble Member appoint such a committee?

The Hon'ble Mr. W. D. R. PRENTICE: That is also hypothetical.

Maulvi SYED JALALUDDIN HASHEMY: My question is whether Government is considering the desirability of appointing a committee consisting of the gentlemen whose names I have just proposed.

The Hon'ble Mr. W. D. R. PRENTICE: Considering the fact that the suggestion has just been made, Government have not had time to consider it.

Maulvi SYED JALALUDDIN HASHEMY: Will the Hon'ble Member definitely state whether Government are prepared to appoint a committee to inquire into the matter?

The Hon'ble Mr. W. D. R. PRENTICE: I cannot accept the statement of the member. It should be remembered,—I do not want to raise a communal question—that the District Magistrate is a Muhammadan and he has made an inquiry himself.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Considering the statement made by Mr. Hashemy that the sentiments of Mussalmans may be hurt, will not the Government consider the desirability of inquiring into the circumstances?

The Hon'ble Mr. W. D. R. PRENTICE: I do not think that such an inquiry is desirable. The policy of Government is to rely on the report of their officers.

Maulvi SYED MAJID BAKSH: If the shooting occurred in the *madrasah*, is the Hon'ble Member prepared to admit that the sentiments of Mussalmans are likely to be hurt?

The Hon'ble Mr. W. D. R. PRENTICE: Although I cannot say where the shooting took place, I think it occurred on the west of the *madrasah*.

Point of order.

Maulvi SYED JALALUDDIN HASHEMY: On a point of order, Sir. I would like to know when the adjournment motion would be taken up.

Mr. PRESIDENT: That is not a point of order.

Maulvi SYED JALALUDDIN HASHEMY: I want to know whether, in view of the replies given by the Hon'ble Member-in-charge, you will allow my motion for adjournment of the House.

Mr. PRESIDENT: Your questions were fully answered by the Hon'ble Member. In view of this fact and the statement which he made the other day, I do not think you will be justified in pressing for your motion which has not yet been admitted.

Mr. SHANTI SHEKHARESWAR RAY: On a point of order, Sir. The ruling that you gave the other day was that if we were satisfied with the answers given by the Hon'ble Member-in-charge, we might waive our right of moving the motion for adjournment.

Mr. PRESIDENT: I am not aware of having given any such ruling.

Mr. SHANTI SHEKHARESWAR RAY: We take any statement made by you, Sir, as your ruling.

Mr. PRESIDENT: Order, order. I never said that if the answers which might be given by the Hon'ble Member be not satisfactory, you could move your motion for adjournment. All that I said was that if members, who had given notice of the motion for adjournment, would put some short-notice questions and the Hon'ble Member agree to answer them, the necessity for moving the motion might be obviated. Mr. Hashemy was given an opportunity to put short-notice questions and he was further allowed to make a statement. I do not think that after all these any useful purpose would be served by moving that motion.

GOVERNMENT BILL.

The Bengal Criminal Law Amendment Bill, 1932.

The Hon'ble Mr. W. D. R. PRENTICE: Sir, I beg to move for leave to introduce a Bill to amend the Bengal Criminal Law Amendment Act, 1930.

Sir, I am sorry to have to come once again to this Council for legislation on the subject of terrorism, but I do not think that it can be any surprise to the members that I have to do so. They are all well aware that the Ordinance which was issued by the Governor-General at the end of October last will be expiring at the end of April and no member of this Council, I am certain, will claim that the conditions now existing in Bengal or likely to exist in the near future have changed so much for the better that the necessity for the powers given by the Ordinance has passed. We are, therefore, compelled in view of the temporary nature of the Ordinance to come and ask this Council to give us the same powers by means of the Bill for which I am now asking. That is, Sir,

the principal object of the Bill that I am asking for leave to introduce. Advantage has been taken of the fact that a Bill to amend the Bengal Criminal Law Amendment Act has had to be introduced in order to bring forward certain other minor amendments in the Criminal Law Amendment Act to meet a few difficulties which have been experienced in the working of the Act. But the principal reason for introducing the Bill is to pass into law the provisions which are in the Ordinance.

I do not propose at this stage to go into the details of the Bill, which will be explained at a later stage; nor do I propose to make any attempt to justify the necessity for this legislation. It has already been debated at considerable length during this session of Council and as regards the need for the same, I think the Council is satisfied that it could not be done without. I would only point out one thing: Government all along adopted the principle of temporary legislation to deal with this menace of terrorism. I admit that at one time doubts were felt by some of us whether the situation did not justify permanent legislation: but when Government decided to introduce the Act in 1930, they decided also to continue the principle of temporary legislation, and that is the principle which has been followed now. But unfortunately the information at our disposal shows that many of those who are plotting in Bengal have no idea of confining their measures to the period for which the present Act is in force. Indeed all the indications from one quarter are that what is being plotted is on the lines of what actually happened immediately after the previous legislation of 1925 expired, namely, the outbreak at Chittagong. I want, therefore, to make it clear to the Council that while we retain the principle of temporary legislation, it does not mean that there is any lack of determination on the part of Government to deal with this menace of terrorism. Government are determined to stamp out the terrorist menace and I am authorised to say that His Majesty's Government and the Government of India have no intention of allowing the present Act to lapse at the end of its five years' currency if the movement is actively in being or is latent, and if in the view of the Government of Bengal the powers are still required. That, Sir, is the attitude of Government.

3-30 p.m.

Mr. PRESIDENT: You need not make a long speech on the introduction of the Bill. You can give us your views when discussing the Bill.

The Hon'ble Mr. W. D. R. PRENTICE: I shall not make any long speech, but I shall speak on the next motion if you prefer it.

Mr. PRESIDENT: Yes, I should prefer that

Mr. NARENDRA KUMAR BASU: I rise to oppose the motion——

Mr. PRESIDENT: If you oppose the introduction of the Bill, you must be very brief.

Mr. NARENDRA KUMAR BASU: I shall be as brief as the circumstances of the case permit. I rise to oppose the motion for leave to introduce the Bill. I do so for several reasons. I am not going to elaborate my reasons, but I am going to state my reasons for the information of the members of the Council. In 1930 when the Bengal Criminal Law Amendment Act was put into the legislative anvil, Mr. Prentice in charge of the Bill told us that it was a temporary measure to prevent terrorist outrages. And Mr. Prentice has been pleased to repeat what he said in 1930, that immediately after the lapse of the Act of 1925, the Chittagong outrage occurred. He, therefore, wanted the Council to believe that it was the Act of 1925 that would have prevented the outrage in Chittagong. Had that Act been still in force in 1930, no outrage would have occurred. This is an insult to the intelligence of the House——

The Hon'ble Mr. W. D. R. PRENTICE: I never made any such statement.

Mr. NARENDRA KUMAR BASU: That is the implication made by him, that the Act of 1925 and the Act of 1930 are designed to prevent these outrages, and that they have succeeded and that the Council is now called upon to give additional power to the Government. I submit that there is absolutely no foundation for this. Secondly, even if it were, I submit to the House that we have not been properly treated in connection with the present measure. If hon'ble members will turn to the Statement of Objects and Reasons, they will find that in line 2 of the first paragraph it is stated that the provisions of the Ordinance—an Ordinance for the promulgation of which, I need hardly say, neither the Provincial nor the Central legislature were consulted—cannot safely be allowed to lapse. Then in the note on clause 2 it is said that it reproduces the provisions of the Bengal Criminal Law Amendment Ordinance, 1931, which will lapse on the 28th April, 1932, and "must be replaced by an Act before that date." That is to say, we are the henchmen of the Hon'ble Member and we are here to register his wishes. I submit that this is not the proper attitude to take in this Council. We should not be ordered about in that fashion. Materials placed before us show that this Ordinance, for the promulgation of which, as I have stated, the legislatures were not consulted, has been of very little benefit to the country. Terrorist outrages still continue, and I

for one, refuse to believe that but for the lapsing of the Act of 1925, the terrorist outrages and the occurrence at Chittagong, would not have occurred.

The Hon'ble Mr. W. D. R. PRENTICE: I am rather in a difficulty in answering this because Mr. Basu has put into my mouth things which I have never said. The best thing is not to answer them.

As regards the point which he has raised about the wording of the Statement of Objects and Reasons on clause 2, there is no intention at all of issuing orders to the Council. In the Statement of Objects and Reasons it is explained why Government is bringing forward this legislation, and it is explained as clearly as possible. When I come to deal with the various clauses of the Bill, I will deal with the reasons which justified our putting forward the provisions embodied in clause 2. As I said previously, I do not propose to go into them now. I prefer to deal with each clause when it comes up for discussion.

I ask for leave to introduce the Bill.

The motion of the Hon'ble Mr. W. D. R. Prentice was then put and a division taken with the following result:—

AYES.

Armstrong, Mr. W. L.
Austin, Mr. J. M.
Bal, Babu Lalit Kumar.
Bal, Mr. Sarat Chandra.
Barma, Rai Sahib Panchanan.
Bartley, Mr. C.
Badr Uddin, Khan Sahib Maulvi Mohammed.
Birkmyre, Mr. H.
Blandy, Mr. E. N.
Bottomley, Mr. J. M.
Burai, Babu Gokul Chand.
Chaudhuri, Khan Bahadur Maulvi Ali-Muzzaman.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chaudhuri, Maulvi Syed Osman Haider.
Chowdhury, Haji Badi Ahmed.
Chowdhury, Maulvi Abdul Ghani.
Cohen, Mr. B. J.
Coppinger, Major-General W. V.
Cooper, Mr. C. G.
Dain, Mr. B. R.
Das, Rai Bahadur Kamini Kumar.
Ezaufji, Maulvi Nur Rahman Khan.
Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur.
Fawcus, Mr. L. R.
Forrester, Mr. J. Campbell.
Gangali, Rai Bahadur Sushil Kumar.
Ghose, the Hon'ble Sir B. B.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gilchrist, Mr. R. N.
Guha, Babu Prafulla Kumar.
Guha, Mr. P. N.
Gupta, Mr. J. N.
Gurner, Mr. C. W.
Hopkyns, Mr. W. S.
Hossain, Maulvi Muhammad.
Hussain, Maulvi Latafat.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Kerr, Mr. W. J.
Khan, Maulvi Amin-uz-Zaman.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Law, Mr. Surendra Nath.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Miller, Mr. C. C.
Momin, Khan Bahadur Muhammad Abdul.
Mullick, Mr. Mukunda Behary.
Nag, Reverend B. A.
Nandy, Maharaja Sris Chandra, of Kasimbazar.
Nazimuddin, the Hon'ble Mr. Khwaja.
Norton, Mr. H. R.
Ordish, Mr. J. E.
Ormond, Mr. E. O.
Philpot, Mr. H. C. V.
Prentice, the Hon'ble Mr. W. D. R.
Raheem, Mr. A.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Ray, Babu Amulyadhan.

Ray, Babu Nagendra Narayan.
Ray Chaudhuri, Mr. K. C.
Rees, Mr. J.
Ray, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Roy, the Hon'ble Mr. Bijoy Prasad Singh.
Ray Choudhuri, Babu Nem Chandra.
Saadatullah, Maulvi Muhammad.
Sahana, Babu Satya Kinkar.
Sarkar, Sir Jadunath.
Sarker, Rai Sahib Rebati Mohan.
Solaiman, Maulvi Muhammad.
Wilkinson, Mr H. R.
Wordsworth, Mr. W. C.

NOES.

Ali, Maulvi Hassan.
Saksh, Maulvi Syed Majid.
Banerji, Mr. P.
Bannerjee, Babu Jitendralal.
Basu, Babu Jatindra Nath.
Basu, Mr. Narendra Kumar.
Bose, Mr. S. M.
Chaudhuri, Babu Kisheri Mohan.
Chaudhuri, Dr. Jogendra Chandra.
Chowdhury, Moulvi Nural Absar.
Dutt, Rai Sahadur Dr. Naridhan.
Ghose, Dr. Amulya Ratan.
Hakim, Maulvi Abdul.
Hashemy, Maulvi Syed Jalaluddin.
Hoque, Kazi Emdadul.
Maiti, Mr. R.
Mookerjee, Mr. Syamaprasad.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Nag, Babu Suk Lal.
Poddar, Seth Hunuman Prasad.
Rahman, Maulvi Azizur.
Rai Mahasai, Manindra Deb.
Ray, Mr. Shanti Shekharesswar.
Ray Chowdhury, Babu Satish Chandra.
Reut, Babu Hemeni.
Roy, Babu Satyendra Nath.
Samad, Maulvi Abdus.
Sen, Rai Sahib Akshoy Kumar.
Sen Gupta, Dr. Naresh Chandra.
Sircar, Dr. Sir Nilratan.

The Ayes being 75 and the Noes 30, the motion was carried.

3-45 p.m.

The Hon'ble Mr. W. D. R. PRENTICE: I beg to move that the Bengal Criminal Law Amendment Bill, 1932, be taken into consideration.

Sir, I do not want to enter into the details of the Bill at this stage. I will do so——

Mr. PRESIDENT: Order, order. The Secretary has got to read out the short title of the Bill.

[The Secretary then read the short title of the Bill.]

The Hon'ble Mr. W. D. R. PRENTICE: I will now deal with the principles of the Bill. There are two. The first is to extend the sphere of the Criminal Law Amendment Act and the other is to remove certain administrative difficulties. Under the Criminal Law Amendment Act, as it stood before the passing of the Ordinance, action could only be taken against members of terrorist associations who were actually seeking to commit certain specified offences. Unfortunately action of this limited nature has been found to be insufficient and to be powerless to prevent acts of terrorism. It was, therefore, decided to go back to the position during the War and to take powers to deal with potential terrorists as well as active terrorists. During the War, action was at first taken under the Defence of India Rules against certain

leaders and people who were prominent by their activities. It was subsequently found, however, that this was not sufficient and so in 1916-17 Government laid hands on all the members of the various associations that were advocating terrorism at that time from the leaders down to minor members. We are now following the same policy which proved successful during the War. So far we have not been able to put a stop to all acts of terrorism, but we hope we have certainly managed to diminish the number of terrorist crimes. Unfortunately we cannot by ourselves stop these outrages, because action against terrorism has got two sides. On our side Government will do their utmost to stop or prevent it, but as I said some time ago, we cannot succeed unless the people of Bengal themselves want to put a stop to it too. Mr. J. L. Bannerjee the other day delivered a speech which, I hope, all responsible members of the community will remember and act up to and co-operate with us in dealing with this menace. Co-operation by the people with Government will put a stop to terrorism and would make a legislation of this kind unnecessary. But up to the present there has not been this co-operation, and Government is compelled to deal with this menace, in the way that is open to it. The other matters of principle which are dealt with in the Bill are minor legal matters connected with the allowances of detenus and such like which I do not propose to refer to just now.

I move now that the Bill to be taken into consideration.

MUNINDRA DEB RAI MAHASAI: I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting public opinion thereon by the 30th June, 1932.

Mr. President, Sir, my object in moving this amendment is to give the public, who are vitally interested in the matter, an opportunity of examining the Bill and expressing their considered opinion thereon before the 30th of June next, just in time for consideration at the July session of the Council. I do not know why the Hon'ble Mr. Prentice should come to this Council in such hot haste and hurry up his Bill to be moved, considered and passed in a single sitting—just like Cæsar's '*veni vidi vici*—I came, I saw and I conquered. These are the ways of the autocrats and not of constitutional governments. The country has by this time got well accustomed to the rule by Ordinances, which are now as plentiful as black-berries. These are being liberally showered on the people who are tasting them to their hearts' content. The Government has got unbounded powers to frame all sorts of lawless laws for the governance of this country. The smithy has been kept always busy to forge new instruments of repression. Then, why this mock show of constitutionalism—the introduction of the Criminal Amendment Bill into this Council? Pray do not make us, the representatives of the people, a party to the perpetuation of the blunders

which the Government is determined to commit. Govern the country by as many Ordinances as you like, but pray do not associate us with any such foolish enactments.

Sir, for the last two years we are witnessing the inexhaustible resourcefulness of the Government in the framing of Ordinances for crushing not only terrorism but the rising spirit of nationalism. The detention camps are full to overflowing, necessitating the equipment of fresh camps, and ordinary convicts are being made to vacate the prisons to make room for the reception of the political idealists. May I ask with all humility, have all these abnormal measures succeeded in putting an end to terrorism? Have they been able to even scotch the terrorists? Are not some of the spoilt children of Government—the licensed murderers of Hijli and the licensed spoliators of Chittagong—responsible for the incitement of the devils in men to commit outrageous and heinous crimes? It was unfortunate that the Government should be seized with panic and run amok. In such an atmosphere all words of wisdom are likely to be thrown to the winds. It was highly to be regretted that sound statesmanship was badly wanted among those who have been placed at the helm of affairs. They have muddled the whole business by careless handling of the situation. Ruthless repression has failed in the past and is bound to fail in the future. History repeats itself.

Pray do not misunderstand us. We are sincere well-wishers of the Government. We want the restoration of peace and order. No sane man can countenance the heinous crimes with which the terrorists are associated. We look with abhorrence at their dastardly acts and I believe that public opinion is decidedly against them. Great care was needed to diagnose the disease which showed alarming symptoms. Pray do not aggravate it by quack treatment. It was a mental malady which required the utmost caution. The skill of an expert physician was necessary and not that of a veterinary surgeon. Overdose of repressive injections on unaffected patients are helping the spread of the infection not only among the young boys but to our eternal shame it has begun to spread among immature girls which have tarred the fair name of Bengal. Pray do not help the spread of the infection, but seek better remedies elsewhere. Patent medicines like the Ordinances and Criminal Law Amendments have been tried but have hopelessly failed. Then why is this extraordinary hurry to fill up the gaps in the old bottle with new wine and incur the risk of an outburst?

Sir, it was time for us to take stock of the realities of the situation. Ruthless repression has not only miserably failed, but has helped to add fresh recruits to the terrorists' camp. This would be evident from the very recent happenings. When we entered the Senate Hall on the Convocation Day, it never occurred to us that the hand of the assassin was busy in maturing the aim to be directed presently and that among the girl graduates. Nobody could believe his eyes when in the

twinkling of an eye shot after shot was discharged at the August person of our well-beloved and most amiable Governor. But for the pluck and undaunted courage displayed by the Vice-Chancellor Sir Hasan Suhrawardy and Mr. J. C. Mukherji, a great calamity would have overtaken Bengal, the magnitude of which we shudder to think. What was the Criminal Intelligence Branch of the police doing all this time over whom lakhs and lakhs of rupees are being wasted? They had absolutely no intelligence before the occurrence to warn His Excellency about the impending danger.

Sir, may I ask, have the Ordinances whose number is legion, and the Criminal Law Amendment Acts been able to deter the terrorists from their mad course? The cold-blooded murder of Mr. Stevens and the attempt on the life of His Excellency revealed a new phase in the activities of the terrorists. The irreligious education imparted in our schools and colleges have paved the way for the inculcation of the cult of the terrorists in the immature minds of a section of the fair sex,—a thing undreamt of and unprecedented in the annals of the country. It was, therefore, obvious that the remedy hitherto resorted to by the Government has proved worse than the disease. Ruthless repression and conciliation cannot go hand in hand. People have lost all faith in the *bona fides* of the Government. Suspicion and distrust between the rulers and the ruled are the root cause of many a trouble. Government is loth to take even the moderates who do not want severance of connection with them into their confidence. Trust begets trusts. Trust them and it will be reciprocated a thousand times. Suhrawardys and Mukherjis will multiply to strengthen the tottering pillars of the State. The fetish of prestige should go. The whitewashing documents of erring officials—the non-publication of reports like that of the Chittagong incidents—intensified the bitterness and created bad blood.

At a time when the country is seething with discontent which has been aggravated by the overzealous activities of the spoilt children of Government left untouched by the temporary cuts, great caution and circumspection are necessary to steer clear the ship of State through the troubled waters. Have patience and do not ride roughshod over the feelings of the people. Do not hurry up measures like these. Your armoury is inexhaustible. You have got enough powers behind you to lay waste the whole country. Then why this inordinate hurry. Pray have patience. May the Great Lord of the Universe grant wisdom and sound statesmanship in our rulers to enable them to restore peace and order in this unhappy land.

Mr. PRESIDENT: The House shall now have to be adjourned for fifteen minutes for prayer. But before that, I shall read out a letter which I have received from His Excellency the Governor. The Council, I am sure, will be highly gratified to know its contents.

GOVERNMENT HOUSE,

CALCUTTA:

22nd February, 1932.

My dear Mr. President,

I beg to acknowledge the receipt of your letter of the 15th instant in which you convey to me at the unanimous request of the members, the congratulations of the Bengal Legislative Council on my providential escape on the occasion of an attempt upon my life during the Convocation at Calcutta University. I shall be grateful if you will convey to the Council my warmest thanks for their kind message and the heartfelt appreciation of Lady Jackson and myself for their good wishes for our future. I am especially gratified to know that the outrage was so generally condemned by all sections of the Council. I am very pleased to note that the Council placed on record their appreciation of the gallant action of the Vice-Chancellor on the occasion of the unfortunate incident at the Convocation.

Yours very truly,

Sd. F. STANLEY JACKSON.

The Hon'ble Raja Sir Manmatha Nath Ray Chaudhuri, KT., of Santosh,

President, Bengal Legislative Council.

[At 4 p.m. the Council was adjourned for prayer and it reassembled at 4-15 p.m.]

Mr. P. BANERJI: I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting public opinion thereon by the 30th April, 1932.

Sir, whenever any private Bill is brought before the Council, we often hear from the treasury bench that public opinion has not been consulted. Therefore the Bill must go into circulation. But whenever we find that any measure of such vital importance affecting the public and the Government is brought forward by Government, Government want, as has been said by a previous speaker, to put it on the legislative anvil and get it immediately passed.

I think, Sir, no case has been made out and there is no urgency for the Bill to be taken into consideration immediately without circulating it for public opinion. We all know, and as Mr. N. K. Basu has pointed out, that the Hon'ble Mr. Prentice in the year 1930, when enacting the Criminal Law Amendment Act, said that it was only a

temporary measure, but still it was a measure for five years and would continue till 1935. I say, Sir, that there is still the Criminal Law Amendment Act and there are the Ordinances which will be continued for another two months, at least till the end of April. If Government want to cope with the situation, I think these two, coupled together, will be sufficient for their purpose to cope with any situation that may conceivably arise. Under Chapter I of the Criminal Law Amendment Act a person can be detained without trial and that whenever Government like; and under the Ordinances such a person can be tried by a tribunal of three judges against whose judgment no appeal lies. So I say there is no urgency of passing this measure which has been always termed lawless law. If Government has been run so long by Ordinances, I think they can do so for a few months more and meet the situation. From this side of the House we have often warned the Government whenever any legislation of this nature has been brought before the Council and passed against our opposition. Sir, Government want that there should be peace in the country. We are the people who are very much affected by this Bill. We protest against this measure for we know the minds of the people and the situation in the country better than the Hon'ble Member. We have often, times without number, warned them that such lawless law should not be passed and that such a measure should not be enacted. But the result of their action has been that they have failed to administer law and order in this country and often have the Government, instead of administering the country by law and order, administered it by lawless laws. Had there been no such lawless law, I firmly believe there would have been no terrorist movement in the country. It has been said that formerly not a single shot was fired by a single Indian against any white man in this country. Now you have aggravated the situation by constantly trying to oppress the people and the result has been that you have failed to administer the country properly. After so many years of British rule we have come to this position that you have to rule the country by Ordinances and lawless laws. And the result is that terrorism has only increased in the country and you have failed to deal with the situation. You have created this situation by passing the Ordinances, and now the members of the terrorist gang shoot at not only the members of the Services but also a member of the non-official European community was shot at. And I think the time is fast approaching when we, the people who always support the Government and warn the Government that there should not be such a law and want that the terrorist movement should be suppressed, will also be shot at and there will be no peace in the country by measures which are going to be introduced in the interests of good government, and in the interests of the people of this country.

Miss Bina Das in her statement has said that the series of Ordinances savouring of Martial Law to her mind showed nothing but a

spirit of vindictiveness and were only measures to crush down all aspirations for freedom. The outrages perpetrated in the name of Government in Midnapore, Hijli and in Chittagong which is her own district, although she has never seen it, and the refusal to publish the report of the official inquiry committee could, she says, never be driven away from her mind. And the outrages on Ambu Dassi of Contai—(Mr. J. N. Basu and myself were eye-witnesses to this occurrence—and when we brought this to the notice of the Hon'ble Mr. Prentice he did not believe us, but he believed in the statement of the man on the spot, I mean Mr. Peddie, the District Magistrate, and the effect was that the unfortunate Mr. Peddie was murdered)—this outrage on Ambu Dassi and on Niharbala at Chittagong, she tells us, totally upset her whole being. She was a private tutor to the wife of a detenu and she saw with her own eyes the sufferings of the poor wife leading the life of widowhood during the lifetime of her husband, with the almost demented father and mother every day sinking to the grave——

The Hon'ble Mr. W. D. R. PRENTICE: On a point of order. I submit Sir, that on the question of circulation he cannot read that statement.

Mr. PRESIDENT: Is Mr. Banerji referring to these incidents only to point out the causes of the disease? But what we are busy with at the present moment is to find out the remedy. What does he think of the remedy proposed by the Hon'ble Member? Criticism with regard to that rather than with regard to the diagnosis of the disease will be helpful to our discussion.

Mr. P. BANERJI: I want circulation in order to let the public know the situation and give their views in the matter so that we shall be able to know the real public opinion on this matter.

Mr. PRESIDENT: By referring to these incidents you are not helping the discussion. I have already explained to you that criticisms with regard to the measure proposed would be helpful. It will also be helpful if you will say as to why you are in favour of circulation.

Mr. P. BANERJI: I say that these unfortunate incidents are the creation of rule by Ordinances and are responsible for the misdeed of the unfortunate girl who made that statement. And the oppression which is being made in the name of law and order and is being felt in every house has goaded not only this girl but many other young men to commit acts which we all condemn. It stands to reason, therefore, as I have already pointed out, that Government has failed in its

attempt to check the terrorist movement by its enactment of the Ordinances of 1930, and I say that they will multiply the volume of disaffection in the country, with the result that there will be increase in terrorist crimes in the country. I, therefore, appeal to the members of the European group and to the Muhammadan members that they will not in the interest of themselves and the country, without knowing the real situation and without arriving at the true nature of the case, only listen to whatever is said from the treasury bench every time. I do say with all respect to them that they should not in season and out of season follow the Government in every measure they bring forward and go into the Government lobby. I appeal to them that they should consider a thousand times before they adopt, or give their support to, this measure. It has been said that Government want co-operation from us, but how is that co-operation possible if public opinion is always thwarted and never listened to, and the statement of a mere constable is given preference to a statement made by a man like Mr. J. N. Basu and other prominent persons outside this Council? I would, therefore, request once more before I resume my seat, my Muhammadan friends and members of the European group not to vote with Government before considering this matter and giving an opportunity to everybody concerned, just as they do whenever any private measure is brought before this Council, to consider the Bill.

With these words I move my motion.

4-30 p.m.

Babu SATISH CHANDRA RAY CHOWDHURY: I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting public opinion thereon before the 31st March, 1932, and I do it with a full sense of my responsibility both as a member of this House and as a citizen of Bengal. We, members of this Council, know that the Criminal Law Amendment Act which is now proposed to be amended was passed in this Council in the teeth of opposition led by no less a person than Mr. J. N. Basu. At that time, Sir, it was recognised that it was a drastic measure, and because it was too drastic a measure, even the present Government thought it wise not to make it a permanent measure but to give it a life of five years. Such a drastic measure could not be given a longer life than five years. I stated at that time that if the measure were confined to two years instead of five years, I for one would be prepared to give my support to the Government, for this reason that Government was entitled to try their own methods for a reasonable time, because none of us wanted that these outrages should continue. But I pointed out that if at the end of two years it was found that that measure failed and the remedy

was a wrong one, Government should, for heaven's sake, change their policy, should revise the estimate of their own intelligence and perception, and come round to our way of thinking. I will base my argument for the circulation on this reason and I would ask Mr. Prentice to meet me by arguments and not by mere assertions. At that time Government was anxious to give the measure a trial. It was, however, predicted from this side of the House that the remedy would not lead to the desired result and we saw that within one year of the passing of that Act of 1930 the Government found that that measure was inadequate—quite inadequate to meet the situation: that is to say, these outrages went on, the police were helpless and could not make any headway towards the stoppage of the outrages. I may say, in passing, that in spite of the charges that were levelled against us from time to time, in spite of the allegation that we condemn these outrages by mouth and not by action, it is the citizen who came forward to help in the detection of crimes wherever there has been a detection, and I know from my own experience that it is the citizens who have often come forward oftener to help in the arrest of criminals redhanded than your fat-salaried police officials or your innumerable constables have done. Does it prove that we condemn these crimes by mouth and not by action? It is doing a gross injustice to the persons who desire to co-operate with Government. You shut out co-operation by such allegations and insinuations. When the Act was passed and when thereafter it was found inadequate to cope with the situation, out came the Ordinance of 1930. Leaders of public opinion in this country who have devoted their whole life and attention to this question, who are really anxious for the maintenance of law and order, have declared from one end of India to the other that these outrages do not belong to our soil. They are of an exotic growth in our country: they are imports from the west. These outrages were, I am proud to say, not here in this country in the Moghul period or in the Hindu period when we had *swaraj* here. In this land of ours—the land of Buddha and Chaitanna—we had no such outrages and we always lived in peace and amity. Your heads must bow down in reverence to Buddha and Chaitanna who flourished in this land of ours.

Mr. J. CAMPBELL FORRESTER: On a point of order, Sir. You have already given your ruling that this is not the proper time for criticising details of the Bill. The present speaker is entirely going astray from the subject matter of the motion under consideration.

Babu SATISH CHANDRA RAY CHOWDHURY: If the member has any patience he will see that I am coming to the matter under consideration. If you have any conscience, you will agree with us, that is my point. It has come from the west and the remedy for this

should be the remedy which has been adopted in the west, and that remedy is democracy. That is what can really do away with these outrages. It has been experimented in Germany, in Russia, in Ireland and in other countries and the remedy has been found to be democracy and democracy alone. Therefore we, as students of history, are justified in saying that it is democracy that can really find out the remedy for these outrages. You cannot shut out our intelligence, you cannot shut our knowledge derived from history—your history—I mean European history. I would point out that quack remedies are bound to fail as they have always failed. Can any gentleman of this House conceive of a more drastic measure than the measure which is called the Criminal Law Amendment Act of 1931? Therefore when this Ordinance was sprung upon us, it was a real surprise and now that it has failed in its purpose, it is proposed to embody it in the statute book. We say that this is a trickery. You have chosen that very remedy which you have admitted as having failed altogether. Now, what do we propose to do? We suspect, and rightly suspect, that you want to put all our youths into jail. When you find that the Criminal Law Amendment Act of 1931 does not enable you to put some of the young people who are outside, you want the Ordinance to deal with them. But you make the greatest blunder of your life when you place all the young men in the same category—be he a Congressman, be he a *satyagrahi*, be he a man convicted of a criminal offence and be he a man convicted of dacoity or other heinous crimes. You want to tar them all with the same brush.

Thomas Mann who got the Nobel Prize has said through one of his main characters in his celebrated book "Magi Garden" that he thought that music is political suspect. Music sometimes elevates and sometimes depresses one's spirit, therefore being equivocal, music is political suspect.

All our young men are suspects. Because some of them have gone astray, so all the students of schools and colleges—your schools or colleges—with ambition which they have imbibed from the past generation, from the moderate men and moderate speakers, are suspects: otherwise there cannot be any real need for adding these new fetters to the statute book.

The Hon'ble Mr. W. D. R. PRENTICE: On a point of order, Sir. Is the member entitled to say all these things on a motion for circulation?

Mr. PRESIDENT: The member cannot discuss at this stage the details of the Bill. He can only discuss such details as are necessary to explain the principle of the Bill and no further.

Babu SATISH CHANDRA RAY CHOWDHURY: What I say is this that I want its circulation for the simple reason that although we do not see the necessity for bringing forward this measure, we might obtain public opinion on this measure so that we may revise our opinion, if necessary. As we find at present, it is a panicky legislation. You have been driven to it by the recent outrage in the Senate House which we all deplore without any challenge from anybody. We on this side of the House deplore it more than any member on the other side, because His Excellency is really an honourable gentleman who will leave his mark behind him for a long time and, therefore, our regret is all the greater. But we must not do anything which, instead of being a remedy, will perpetuate terrorism. I, therefore, submit that the Hon'ble Member should take time and ponder over the matter before he comes to the conclusion that this is the one and one remedy alone which is necessary for the safety of the country. I would, Sir, refer to some points which, I hope, the Hon'ble Member will kindly take note of. As I have said before, this Bill is the direct outcome of the recent outrage at the Senate House.

The Hon'ble Mr. W. D. R. PRENTICE: It was drafted long before the outrage at the Senate House.

4-45 p.m.

Babu SATISH CHANDRA RAY CHOWDHURY: It is news to me. So far as the House is concerned, we take it that it is anything but well thought out measure. In spite of the fact that the Ordinance of 1930 is still working, you have brought forward this Bill. My second argument is that this legislation should not be hurried. We have at present the Government of India Ordinance No. II of 1932, which is still working and will still work for some time to come. This particular Bill proposes to give power to detain persons who are members of certain associations. What I submit is that you do not lose anything by delaying this legislation, because there is already the Government of India Ordinance No. II of 1932. Under it all the associations in Bengal, even the "Deshbandhu Palli Samiti" which was doing real solid social service in the localities, have all been suppressed. So you have that Ordinance under which all associations have been declared unlawful and members of these associations have been sent to jail. So, practically the present Bill, if it is passed, will remain a dead letter or remain in a corner and Ordinance No. II of 1932 will be really effective. It is a very solid reason that I have advanced. Therefore, if you are really sincere and honest and do not like to put fetters on the freedom of ordinary citizens unconnected with the terrorists, I would ask you in all solemnity to wait and see how that Ordinance No. II of 1932 works and then if you think it necessary

you can bring forward this measure or any other and legislate. In that case probably you will have support from many quarters. If you really see a change for the worse, I submit, Sir, then the only alternative may arise for you to embody the Ordinance into law in order to put an end to these outrages which have blotted the fair name of my country and my countrymen. If you want our co-operation, that co-operation must be according to the meaning of the word given in your English lexicon, and not co-operation on your own terms, or in other words, abject submission. On that basis we are always prepared to co-operate. With these few words I move the amendment.

Maulvi HASSAN ALI: I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting public opinion thereon before the 25th March, 1932.

At the outset I must be clear in the motive of my motion. I do condemn terrorism. I will condemn it over and over again. I am fully aware that the method of terrorism is un-Indian. Neither true Hinduism nor true Islamism can support it. I am fully convinced that terrorism instead of advancing country's cause is proving inimical to it. The vast majority of our people gives this verdict. The most advanced and powerful political organisation, *viz.*, the Congress, also condemns terrorism. There are no two opinions in the country with regard to this that this alien evil of terrorism must be eradicated from our fair land. But what would be the proper remedy? To find it out we must go to the root cause of the evil. The root cause is discontent among the youth of the country. Take into confidence the Congress. If you do not believe the Congress, take with you the moderates, and have their counsel and remove the discontent. Instead of doing that you are going to introduce special measures like the present one. But will it avail? Have special laws availed in the past, I ask? What is your experience? To eradicate the evil of terrorism you have been enacting special laws such as suggested in the present Bill for a quarter of a century past. In 1908 you had the first drastic amendment in the criminal law of the land. During the War time you had the Defence of India Act, and there were re-amendments in criminal law in 1925. And quite very recently in 1930 you had your Bengal Criminal Law Amendment Act passed in the very teeth of opposition of the popular section of this House. Moreover, there have been ordinances from time to time. But have you been able to cope with the situation? Verdict of the experience has been quite an emphatic "no."

Surely, Sir, a country cannot be administered by ordinances and special laws. The Hon'ble Mr. Prentice tells us: "Recent events have unfortunately shown that the provisions of the (October, 1931)

Ordinance cannot safely be allowed to lapse." And the present Bill provides amendments substantively on the lines of the Ordinance. That is to say, Sir, we are invited here to replace an Ordinance by another ordinance. The very first one seems only to be in the cloak of a legislative sanction. As a representative of the people, Sir, I for one cannot support such a thing. And my grounds are clear enough to be appealing to you all here. In the first place, as a legislative body in the country, whatever little power was given under the Reformed Constitution, we have been rendered powerless by the promulgation of the Rule of Ordinances. Ordinances have made us practically a defunct body nothing to mend—nothing to amend. Official usurpation of legislative function—Bureaucratic dictatorship—have rendered public opinion meaningless and popular representation is a big ridicule. And it has been truly said, Sir, that the legislature of the country has been impotent under the ordinance rule.

Secondly, Sir, supposing that special measure like the present one has any efficacy in point of eradication of the terrorist evil, I must say that it is superfluous. Its object seems to be detaining persons who are not actually guilty of any overt act but who are members of terrorist organisations. But is it not a fact that under Ordinance of 1924 or the Criminal Law Amendment Act of 1925, it was possible for Government to arrest and detain persons suspected to be members of terrorist organisations and who were actually not guilty of any overt acts of violent nature?

I therefore say, Sir, that the October (1931) Ordinance has been a superfluous task and I cannot support the repetition of that superfluity again.

In the third place, Sir, our past experience in the matter has shown us that special measures like the present one have led us nowhere. If they have led us nowhere, then it is this that the terrorism has doubly or even trebly increased in the country. In the Statement of Objects and Reasons of the Bill it has been stated that recent events have unfortunately shown that the provisions of the ordinance cannot safely be allowed to lapse. But may I ask, Sir, what amount of safety and that to what extent has been ensured by the Ordinance of October 1931? In spite of others like that before, we were thunder-struck—we were shocked to see the other day Santi, Suniti and Bina in the loathsome arena of heinous crimes. After that, Sir, shall we still pin our faith to ordinances and special measures?

Terrorism is heinous. Terrorism is lawless. But special laws and ordinances are also lawless—they are negation of law and nothing more

and nothing short than terrorism itself. And I believe terrorism is no remedy for terrorism. Homeopathy has failed here and will, I believe, fail in future.

Dr. NARESH CHANDRA SEN GUPTA: I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting public opinion thereon before the 20th March, 1932. Sir, it is easy to grow warm in moving any dilatory motion with regard to a Bill of this kind. What we see every day around us makes it practically impossible to maintain perfect equanimity in the discussion of a measure of this character. Nevertheless, Sir, I shall attempt to discuss the motion which I have placed before this House as calmly as possible, all the more so, because I feel that there is so much of common ground between the Hon'ble Member who introduced the Bill and myself, and, I venture to think, the majority of the members on this side of the House. Well, Sir, the first point which I should make out is that the Hon'ble Mr. Prentice has told us that although, when the Act was passed, it was expected that terrorism would be brought under control, the situation has not very much improved. He has told us that since the passing of the Ordinance which is about to lapse, the position has not improved, and I think he will agree with me that not only has the position not improved, it has grown a great deal worse. For one terrorist that we had before the passing of the Criminal Law Amendment Act we have at least a dozen to-day. For one timid attempt with which we were familiar before the passing of the Act we have had to-day outrages which are daring, almost terrifying in their daring. Well, Sir, the position has not only not improved; it has grown worse. Then, Sir, the next point upon which I find myself in complete agreement with Mr. Prentice is that terrorism must be exterminated. I do not know whether we are talking the same language when we say the same thing. I do not think I should like to use the words which Mr. Prentice has used "that terrorism must be stamped out." Well, terrorism must be eradicated, it cannot be stamped out. The idea of stamping it out is the point of difference between us. Then, there is another point on which also I agree with the Hon'ble Mr. Prentice which makes it necessary that the provisions of this Bill should be reconsidered, or at any rate more fully considered. This Bill was drafted before that unfortunate attempt at outrage in the Senate House. Well, I venture to think that the situation has changed considerably since then. Before that outrage occurred it might be said that the legislations, and the Ordinances which had been passed for dealing with terrorism, had been successful in stamping out terrorism, because for some considerable time before that there had been no terrorist outrage and there might have been some room for the confidence that this legislation was useful in stamping out terrorism.

The outrage in the Senate House was a rude reminder that terrorism had not been stamped out and that it was ready to burst out any moment when a suitable opportunity occurred in spite of the Criminal Law Amendment Act and in spite of the Ordinances.

5 p.m.

If that is so, there is room for consideration whether after all the whole policy of these Acts and Ordinances has not been wrong, whether, as a matter of fact, this policy will not and is not likely to eradicate terrorism. Then, we find there is another circumstance which also calls for consideration. Mr. Prentice is nervous, lest the lapse of the powers given him under the Ordinance which is about to expire, would make the Government impotent against outrages or terrorist conspiracy. As my friend Mr. Ray Chowdhury has pointed out, with the four Ordinances of 1932 on the statute book there is no reason to apprehend that Government will be impotent to deal with conspiracies of a terrorist kind. If that is so, then it is time to consider, if anything happens in the meantime, that there are special powers under these Ordinances which might be availed of. In these circumstances I think I have got very good reasons for moving the amendment which I have moved, namely, that the Bill be circulated for the purpose of eliciting public opinion thereon before the 20th March, 1932, when the Council will be in session. If the Government is satisfied that this is a Bill which should be considered by the Council this session, it can come up before the Council again and be passed in one day. Is there any reason why this should not be done? The Ordinance is not due to expire before that, and even if it expires, there are other Ordinances which arm the Government with incalculable powers. Is there any reason why it should not be circulated for public opinion in these circumstances? Well, I cannot anticipate any answer from the other side of the House. I can anticipate a criticism which might be made from the popular side that this motion reads like a grim irony. To circulate this Bill to elicit public opinion at a time when public opinion has been muzzled and almost throttled out of existence, when any discussion in the public press is liable to be ruled out by a reminder from the Press Officer, this method of eliciting public opinion really looks like irony. Nevertheless, I would move that the Bill be circulated for the purpose of eliciting public opinion in the hope, most of all, that in the meantime Government might give a little more time to thinking about the provisions of this Bill and possibily to change them. I want to point out to this House the most important point about this thing, and that is this, that even without the present amendment that is now proposed, the Criminal Law Amendment Act is perfectly adequate to deal with the terrorists or any terrorist conspiracy. Well, what does this Bill propose to do? It only proposes, as Mr. Prentice very lucidly

stated, to enable the Government to get at persons who are not terrorists, but who are potential terrorists. This is an extension of the principles of the Criminal Law Amendment Bill, which is very different from the principles of the old Act itself. The question of terrorism has got to be dealt with. I am as anxious, as eager to deal with it as Mr. Prentice, but how? Not by doing that which will forthwith turn a man, and hundreds like him, into active terrorists, but by doing that which will take him away from the path of terrorism. Satisfy him that that path is not the proper path to pursue. There we come up against the fundamental difference between Government and ourselves. Mr. Prentice has done us the honour, to complain that we have not given him the co-operation, I mean the House and the public have not given the Government any co-operation in the matter of stamping out terrorism, and, therefore, the Government is justified in passing repressive laws. Well, this complaint comes with a very ill grace from the Government. I know of course what the Government understands by the co-operation which we can give. Our idea of co-operation in eradicating terrorism is greatly different. Our idea of co-operation would be a discussion with a view to discover ways and means of stamping out terrorism. Well, has the Government ever made any attempt to get into touch with the public, even with this Legislative Council, before it launched on this campaign of repression in the beginning of this year? It is quite possible that they were satisfied that there was no use doing that. In any case, there is no reason whatever why they should not have invited this House to discuss the matter and find out the means of solving this problem that faces them. Government did not even convene a meeting of this House to discuss the matter. It cannot be said that this House is so unreasonably hostile to the Government. On the contrary, the record of this Council has been one of unexampled loyalty to Government. Even in spite of that, Government has not done the Council the courtesy of inviting them to a discussion of ways and means for meeting the new situation. As a result of that, Government has launched upon a new policy of repression from the beginning of this year. After that, it comes with a very ill grace on the part of the Government to say that we have not given them co-operation. I say, some of us at any rate, might have given fruitful suggestions, suggestions which might have been radically different from the suggestions embodied in this Ordinance, suggestions which might have been more far-reaching and more efficient for eradicating the evil, than this Act has proved to be. But as I have said, our ideas of co-operation, our ideas of dealing with terrorism, happen to be different. We have been told on high authority that the only way in which we can co-operate with Government in eradicating terrorism is to give information to the District Magistrate or to the police officer, about people whom we suspect to be of a terroristic bent of mind. I suppose that is the only co-operation which has ever been asked for

from us. We have not been asked to give advice or suggestions. The Government says, "Here is our repressive machinery for dealing with terrorism; you have nothing to do with that; you must not handle it; you must not touch it; you come and act as informers and spies"—not a very honourable occupation to propose to self-respecting gentlemen, not one which the people of the country would be willing to jump at, even with the very desirable object of eradicating terrorism. I challenge Mr. Prentice to point out a single utterance on behalf of Government, which called for co-operation from the people in any other shape or form. If that is so, are the people to blame? I can assure Mr. Prentice that the people, the sensible people, who are the vast majority of the people, have co-operated in ways which may not appeal to Mr. Prentice, but in ways which have appealed to their own conscience. There is no sensible man in this country who is not against terrorism. In spite of whatever has been said to the contrary in this House I make bold to say that there is no father in this country who is not in a perpetual state of fear on account of the existence of this terrorist conspiracy, who does not apprehend that his own children might be drawn into it. Do you expect that these people would support or conceal or protect terrorism? On the contrary, I can tell the House that there are hundreds of people who have been, in their own homes amongst their own people, trying to preach against terrorism as much as they can. If the Government were sensible, it would enable these people to preach more effectively by producing a condition of affairs in which confidence could be placed in the Government. But the Government has made it impossible for them to carry conviction with young people. Government has, possibly with the best of motives, passed these ordinances, which has made it very hard to carry conviction to young people that terrorism is after all not the only weapon. We are willing to co-operate, we are dying to co-operate to stamp out and eradicate terrorism, but in our own way, because our outlook is so essentially different. Government wants to fight terrorism by punishing the terrorists and not only that, the would-be terrorists, the might-be terrorists and all forms of potential terrorists. We do not want to punish them; it is not our business to put them into jails; after all they are our own flesh and blood, and we want to wean them from these ways, and we want to place them in a position that it will not be necessary to put them into jail, and why should we not do so? Do you think that we, the people, are any less affected by terrorism than the Government?

5-15 p.m.

Do you think that we, the people, are anything the less afraid of terrorism? As I have said, we have our children to think of. Besides, anybody who has studied the political history of the world

knows that terrorism as a weapon of political reform is absolutely futile and no one was stronger in his condemnation of terrorism than the greatest revolutionary of modern times, Lenin. It is an absolutely futile instrument for the purpose of bringing about political reforms. It can only create a state of anarchy; it cannot build up freedom. This has been demonstrated not once, not twice, but a hundred times, in the history of nations. Well, that is the reason why we are against it. Besides, it is not only futile, it is extremely harmful to those who join it and those who do not join it. For, one single act of terrorism means more sufferings, more persecution of hundreds of others who may receive the attentions of the police. Is there any reason why we should be pleased to create and continue that state of affairs? Would any sane and sensible man think of creating that state of things in the country when he is satisfied that it leads to nothing in the way of political progress? Therefore, I say, Sir, with all the emphasis that I can command, that the mind of Bengal is not in sympathy with terrorism and the people are anxious to get rid of terrorism. But the Government makes it impossible for them to make much headway. There is want of co-operation on the part of Government. This series of enactments which have emanated from the Government ever since the policy of repression was started, has made things impossible for us. You have heard one or two cases in which people were driven to terrorism by what they thought to be the high-handed acts of officials. Well, what has been the result of repressive measures? We have seen magistrates with armed guards touring through the districts and making repression manifest in remotest villages. Well, the Government by doing so has been acting as propagandists of terrorism. It has driven terrorism down to the villages. It has exacerbated the feelings of the humblest and quietest of villagers and I say this, Sir, with the fullest sense of responsibility. We know of magistrates—I know at least of one magistrate who has been touring through his district with a company of armed followers marching into houses, insulting people right and left, people who were only suspected to be connected with any Congress activity and using abusive language which a gentleman would refuse to utter, and this he does not only in his headquarters town but also in mufassal villages. I shall be very glad to tell the name of this magistrate here, but I recollect that it is not safe to utter the names of these wrongdoers. It was not safe for Mr. Prentice to praise the wonderful work of the late Mr. Peddie. So, I do not propose to give out the name of that magistrate for the benefit of the terrorist public, but all the same, there is that magistrate, and he has been spreading the message of terrorism from village to village and from house to house. These repressive measures have only helped to propagate terrorism in the villages. It has made the work of those who want to eradicate terrorism by preaching and propaganda impossible. It has discredited people who want to secure the freedom of the

country by means other than frightful. We, Sir, happen to be in that category and we are discredited in the country because people will not believe that there is any good to be had out of the Government.

Well, Sir, who then is guilty of want of co-operation? I charge the Government of the failure to co-operate in the endeavours of the people to eradicate terrorism, and I think there is no answer to that charge. The Ordinances and the way they have been administered and the effect that they have produced amply demonstrate the truth of this proposition. The Government, Sir, have been the propagandists of this terrorism and it is no good telling us that we have not been co-operating.

Babu SATYENDRA NATH ROY: I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting public opinion thereon by the 15th March, 1932.

Sir, my motion is not a dilatory one. The members of this Council are aware that the Criminal Law Amendment Act was passed in the year 1930, and the Act was intended to remain as a statute for a period of five years. It was ostensibly passed with the object of suppression of terrorism. Terrorism was then in its infancy. In the month of September last year there had been some acts of terrorism and Government promulgated what is known as the Bengal Criminal Law Amendment Ordinance of 1931. That Act was passed towards the end of October last year. Members of Council are aware that Ordinances mean a supersession of all legislative laws and can remain in force for six months only. The object of promulgating an Ordinance is to give extraordinary powers to cope with extraordinary measures for a temporary period and not to make it a prominent law of the land. Sir, there was, I think, a lull in the activities of these terrorists. I do not know whether Government believed that terrorism was coming to an end. Of course the people have no information as the Government has at its disposal through the Intelligence Branch, the Criminal Investigation Department and the police. The only information the public have is that dastardly outrages were committed and that an attempt was made upon the life of His Excellency the Governor. There is no question of Sir Stanley Jackson being an unpopular district official or an unpopular police superintendent. I think the people of Bengal are all agreed that he is the true type of an Englishman and a perfect gentleman and has always been sympathetic towards the aspirations of the people.

Sir, it was only in last week that we got the notice that the Bengal Criminal Law Amendment Act would be amended. It was just seven days ago that we got a copy of this Bill and we were asked to send in our amendments by Saturday last. I do not think that the people of this province have been given an opportunity of looking through the amending Bill and even the members of the Council had to hurry

themselves at the time of sending the amendments. There are many radical changes in this Bill regarding the allowances to the detenus, the power of the police and many other amendments which I hope to deal with later on. My object in moving this amendment is that three weeks' time may be given for eliciting public opinion on the Bill so that by the middle of next month when the Council will be in session the Bill will again come up for consideration. By that time at least the newspapers and some of the public associations might suggest some improvements, and the Bill may then be enacted into law in one or two days' sittings in March or the beginning of April next. I do not think that Government would be prejudiced in any way if this motion is carried and public opinion is invited by the 15th of March next.

With these few words, Sir, I beg to move my amendment.

Maulvi SYED JALALUDDIN HASHEMY: Sir, I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting public opinion thereon by the 14th March, 1932.

Mr. President, Sir, with a great deal of reluctance I rise to move my amendment at this fag end of the day. The Bill ought to have been killed at its very inception, and I desire that it would not be allowed to see the light of the day. But unfortunately the Bill has been introduced. Sir, I am not at all surprised that the Bill has been introduced and I shall not be surprised if the Bill is considered and passed to-day. Sir, this is not the first time that a Bill of this nature has been introduced, considered and passed on the floor of this House. If I go back to the year 1908, I will find that this Criminal Law Amendment Act was first introduced in that year. Then again, Sir, during the War the Defence of India Act was passed. Practically, Sir, we are under these extraordinary measures, we are under these lawless laws for over a quarter of a century. This law was again amended in the year 1925 and it was finally amended in the year 1930. Sir, this year, I mean in this year of grace—1932, when there are so many Ordinances—I am not sure, but I think the number of Ordinances may be two dozens—we thought there would not be any more amendment to this Criminal Law Amendment Act. After all, Sir, it has come and it has been introduced and I know, Sir, that it will be passed. My amendment is very simple and I ask the Hon'ble Member in all seriousness what reasonable objection there can be to wait for one or two months more to take public opinion thereon. Sir, a reference has been made to a speech of Mr. J. L. Bannerjee. I may or I may not agree with him. The other day, while speaking on the resolution of Kumar Shanti Shekhareswar Ray, I said—and I repeat it to-day—that this policy of the Government—this repressive policy of the Government—is responsible for all these terroristic movement in Bengal.

5-30 p.m.

Then we found another, Miss Bina Das, in the Calcutta University Convocation. Accordingly I would ask the Hon'ble Member to reconsider his position over and over again and I would also ask him to go to his department and see what they are doing there. I will not repeat what has been said by previous speakers. Complaints have been made and references have been made to the existence of agents provocateurs and how they are created by the department. I mean the Police Department, and I would ask the Hon'ble Member to deny whether there are agents provocateurs or not. I have with me responsible information that these agents distribute leaflets containing formula for manufacturing bombs and sometimes they supply not only the formulæ but materials for making bombs. I personally know of some cases in which they distributed revolvers to students, particularly students of colleges and schools. I ask, Sir, how is it possible for these terrorists to secure so many revolvers, so many pistols when they have not licences for them?

Mr. PRESIDENT: You need not raise that point.

Maulvi SYED JALALUDDIN HASHEMY: Lastly, Sir, I would appeal to the House to see that the Bill is circulated for eliciting public opinion, for the simple reason that Government is always seeking public opinion and to create a healthy public opinion against the terrorist movement. But, Sir, how is it possible for the public to create a healthy public opinion against this movement if Government is not really seeking public opinion in taking this drastic measure as the enactment of this Bill? Sir, my amendment is a very simple one and I will take it as a change of policy on the part of Government if they accept my amendment.

Mr. SHANTI SHEKHARESWAR RAY: I rise to support the amendment moved by my friend Maulvi Jalaluddin Hashemy. Sir, we all remember the very candid statement made by the Hon'ble Mr. Prentice the other day when we were discussing the adjournment motion of Mr. B. C. Chatterjee, that a fresh election was necessary before Government could consider the question of transferring the portfolio of law and order to a member on the opposition bench, and that this unrepresentative House was a stumbling block in the way of his making room for a member on the opposition benches. Sir, with this estimate of the House, is it not desirable that Government, when they seek to pass a measure of this kind, should try to ascertain the opinion of people who are outside this House—people who represent the country better than members of this Council?

Then, Sir, there is another aspect of the question and it is this: I fully recognise that the Hon'ble Mr. Prentice has brought forward this measure to a certain extent in response to public opinion, or at any rate, to a certain section of public opinion. We are all familiar with the cry that has been raised in the Anglo-Indian press and by a section of Europeans about the large amount of money that is being spent on the detenus, and here is a measure brought forward by Government to make amends for their past errors. Sir, if Government have been so responsive to a section of public opinion, is it not fair and decent that they should let other sections of the community give their views? I do not know what the position of Government is on this subject. They do not care whether opinion is in favour of the Bill or not; they want to carry out the measure on their own responsibility. Of course if that is their position, as an elected representative representing a constituency in this province I have nothing to say, but even then I would like to point out to the Hon'ble Member in charge of the Bill that even from the Government's point of view, it is desirable that they should hold their hands for a short while. We know that we are going to have a new Governor for our province, and he will be coming to Bengal very shortly. I think he should be given an opportunity of examining the whole situation with an open mind and it is not fair to saddle him with an accomplished Act like this when he had no opportunity of examining the situation. With these words I support the circulation motion.

Maulvi ABUL KASEM: I rise to oppose the motion for circulation of the Bill. I have heard with interest and with care to the speech of my friend who has moved this amendment, but I regret to say that I have heard no argument to convince me that there is a necessity for circulation. The arguments used have been such as would do very well for throwing out the Bill altogether. No useful purpose would be served by circulating the Bill for public opinion. I am sorry to state that public opinion in this province at any rate, if not in India, at the present moment is not free to express itself. The terrorism about which we heard and talked does not limit itself to anarchical movement only, but terrorism extends to the stifling of public opinion as well. Even a large majority of the public in this country who hold opinion which does not tally or concur with the opinion of the Congress leaders dare not speak out their minds.

Secondly, the Bill itself is a small one with a few sections and it can be discussed and decided on the floor of the House without asking for a large number of bodies to express their opinion on its provisions. I have heard with advantage and pleasure the speech of my learned friend Dr. Naresh Chandra Sen Gupta. His arguments were very strong, but on the whole what I understood from the speech was that he wanted a little more time for the consideration of the Bill, and he

wanted the Government to consult opinion of this House, at any rate, the opinion of certain gentlemen who are anxious to eradicate, if not to stamp out, terrorism, so that some means may be found by which this can be done and I think that an opportunity is afforded us now and was afforded us when the Bill was sent to us and we were asked to send notices of any amendments that we might want to move.

As regards the efficacy of the Bill, I am not certain or sure that this Bill or any other measure adopted by Government will be successful in effectively eradicating terrorism from this province very soon—it may be in the long run—but at the same time I realise that we, the people of this country, who do not sympathise with the terrorist movement and who do not subscribe to the Congress creed, have not been able to assert ourselves or to take any steps by which this anarchical movement and the propaganda for terrorism can be stopped or eradicated. Having ourselves failed I would rather give the Government a long rope to try their own hand in the matter. Therefore I rise to support the Bill. Dr. Naresh Chandra Sen Gupta is certainly right when he says that Government has no cause for complaint for want of co-operation, because co-operation was never given as it was never asked for. I find in my long experience that unlike Simla and Delhi, Writers' Building is shy of consultation and co-operation; they think that whatever they may sign is like the laws of the Medes and Persians, perfect in itself and cannot be changed; and, therefore, Dr. Naresh Chandra Sen Gupta is perfectly right when he says that what the Bengal Government means by co-operation is not co-operation but help in their work. I am prepared, however reluctantly, to lend that help to Government, not because I think that it should be given, but because I have failed. I find that none of my countrymen have taken any active steps to stop or to eradicate terrorism.

5-45 p.m.

There has been a long talk about young students and young men and about the concern of their fathers and guardians. In this respect I have to say something to the House. How is it that in spite of the fact that the fathers condemn their deeds, in spite of the fact that the country condemns their acts as suicidal to its interests, our rising generations should be implicated in these anarchical crimes? How is it that neither the fathers, nor the teachers, nor the guardians have been able to control the boys? This is due to the propaganda started by, I regret to say, a group of my own countrymen, which, though small in number, is yet so well organised and so well furnished with funds that it has practically overshadowed every other organisation. This organisation finds in the immature minds of the younger generation a

good field for engrafting their ideas, and they use these boys as their tools to gain their ends. We have been told by one of the previous speakers, Babu Satish Chandra Ray Chowdhury, that democracy is the only remedy for eradicating terrorism and the terrorist movement. Dr. N. C. Sen Gupta in his learned speech, to which we have listened with attention and pleasure, has told us that terrorism is against democracy and has been condemned by democracy and even democracy will not be able, as history tells us, to eradicate it. Sir, we are on the high road to democracy and instead of helping us to gain this object—if it is a desirable object—the movement is only impeding our path. You cannot expect that the authorities, I mean those who have the responsibility at the present moment of the Government of this country, will hand over the administration to the terrorist gang unless there is an atmosphere which is calm and serene enough for the inauguration of democracy. But that is another matter and does not come within the purview of the motion. This motion to circulate the Bill, if not a dilatory one, is simply meant to give more time for the consideration of the Bill. Dr. N. C. Sen Gupta's motion is that it should be circulated and that the replies should be received by the 20th March next, that is to say, within a month. My experience tells me that it is not possible to get authoritative opinion on any important question like this by means of circulation within so short a period. Of course if my friend had suggested that the consideration of the Bill be postponed for a week and that in the meantime he and others would meet the Government members and come to a satisfactory solution of the situation, I would have supported him. But circulation for eliciting public opinion is no remedy. So far as public opinion is concerned, it is clear and positive, by which I mean that one section of the public is entirely opposed to the passing of the Bill and another section absolutely supports the measure as it is. Then, Sir, as regards public opinion, we can take it that with the exception of this Congress group, whose opinion on this matter is well known, the other interests are represented in this House, and their opinion can very well be expressed here without burdening the post office with these things.

Then Sir, what I say is this that Government has been guilty—I might say criminally guilty—of neglect in the past. This terrorist movement started a few years ago. It has its hot bed in schools and colleges and I say from personal knowledge that in Government institutions and Government hostels national flags, of which the hon'ble members have heard so much, were hoisted and objectionable slogans and songs were openly sung and still Government treated these things as mere childish freaks. However, we are glad to find that after bitter experience Government has realised that the time has come when something has to be done and, if necessary, drastic measures have to be adopted for the purpose of eradicating this terrorist movement.

Whether the measures adopted by Government are really necessary or whether they will prove successful or not remain to be seen. That is for the future, but what I say is that Government has now taken up the matter seriously and I for one, with full concurrence of my Indian conscience—if not of European conscience—, would support it till I find that it has failed. It is no doubt true that up till now the ordinances or the actions taken under the ordinances have not been able at all to eradicate or to stop anarchism or terrorism in the country, but it cannot be expected that a movement which has been so carefully nursed and which has filled the minds of immature youths for such a long time will be eradicated within so short a time.

The Hon'ble Mr. W. D. R. PRENTICE: I do not propose to follow the previous speakers by going into all the details dealt with in their speeches, but I propose to deal entirely with the question of circulation. The salient point is that the Ordinance lapses on the 28th April, 1932. Government believe that it is absolutely necessary for the purpose of dealing with terrorism that the powers given by the Ordinance should continue. Therefore these powers must be given to Government before the 28th April. The first two resolutions for circulation propose that opinions should come by the 30th June and 30th April, respectively, that is, after the Ordinance lapses. For this reason we must obviously oppose these resolutions. The other resolutions vary between the dates 14th and 31st March. My friend Maulvi Abul Kasem has explained, and we all know, that whatever date we fix for sending opinions, the fact is that we do not get them by that date. Supposing any of these resolutions were accepted, we would not get the opinions anywhere near the time fixed in the resolutions. What is the position then? The budget discussion starts on the 14th March and nothing else can be discussed up to the 31st March, and if this Bill is to be passed before the 28th April, it means that we must sit some time in April for discussing it. That will be one result if we accept this motion for circulation; and ordinarily I do not think that that result will be acceptable to the members of this House. But I would not oppose this motion if I thought that circulation was necessary. But personally I have no doubt that there is no need for that. In this Bill the main point at issue is whether legislation is to be enacted for maintaining the provisions of an ordinance. That ordinance has been before the province for about four months. We know very well what the public opinion is, as expressed in the press, regarding the terms of that ordinance. We also know from the speeches that have been made this afternoon what the feelings of the various members of this Council are. I do not think that anything will be added to our knowledge by circulating this Bill and I, therefore, oppose this amendment.

Mr. NARENDRA KUMAR BASU: Sir I rise to support the motion for the circulation of the Bill and I shall give my reasons for so doing. My friend, Maulvi Abul Kasem, he of the double conscience, seems to think that public opinion has already been gauged and so also does Mr. Prentice. I submit that it is not so. The ordinance was a measure which was—I will not say enacted—promulgated by the Governor-General by his extraordinary powers and it was not for the public to criticise the legality or illegality of it. But this is a Bill which is sought to be passed with the assistance, if possible, of the members of the Legislative Council, who are supposed to be representatives of the people, and, therefore, if a measure is to be passed with the sanction of the people, it is absolutely necessary, for the purpose of doing this, that the correct state of public opinion should be ascertained. It is quite true that Government does not really want to ascertain public opinion either with the help of this Council or with the help of the outside public. They simply want to govern, and they have been trying to carry on the administration of the country without taking the Legislative Council into confidence. We had the Chittagong outrages and the Hijli outrage. Members of this Council tried to help and assist Government in gauging public opinion by calling an extraordinary meeting of the Council. That proposal was turned down. Government did not think it necessary to take the public, through its representatives in the Council, into confidence when it passed its resolution on the Hijli matter, when it decided to suppress the report on the Chittagong outrages, when it resolved to ask the Governor-General to promulgate these ordinances. I think, Sir, that as a matter of fact, so far as law is concerned, the Bengal Government has ceased to function.

6 p.m.

Rule by ordinances is not certainly the function of proper Government. If it could do so long without the help of and without the assistance of the Legislative Council and without gauging public opinion, why should it now show this tender solicitude for the opinion of the Bengal Legislative Council as distinct from the opinion of the public? If they do not want public opinion to be at their back, Government ought not to submit this Bill to the Legislative Council and thus attempt to gauge public opinion on this matter. As has been pointed out by the previous speakers, much harm would not be done by accepting some of these motions which want an expression of opinion even before the 14th March; and I think much harm will not be done if the Legislative Council has to sit for one or two days in April. If the Legislative Council sits for one or two days, it might entail some expense, but I am quite sure that it will not be a thousandth part of the extra expense that this ordinance will entail.

[At 6-5 p.m. the Council was adjourned for prayer and it reassembled at 6-15 p.m.]

Mr. NARENDRA KUMAR BASU: Another argument against the circulation of the Bill for public opinion, as we have heard this afternoon, is that with terrorism on the one hand and repression on the other public opinion cannot be expressed. I submit, Sir, that this is one of the strongest condemnations of the present administration that we have ever had. If really the Government has brought the country to such a pass that even on an important matter of legislation like the present one public opinion cannot venture to express itself as it would, there is no justification for its introducing the Bill for the consideration of the Council alone. To my mind, there is absolutely no reason why we should not seek to ascertain what the public opinion on the matter is. I, therefore, beg to support this amendment.

Dr. AMULYA RATAN GHOSE: Sir, in supporting the proposal for circulation, I would beg to make one observation. Maulvi Abul Kasem has said that there are people who are definitely opposed to this measure, and there are others who support this measure as it is; but, Sir, we have not got any opinion of a third section, if there is one, who will ask even for more drastic measures than this. Circulation is, therefore, necessary to ascertain whether there is such a section amongst the people or not. Another reason for supporting the motion for circulation is that we are asked to support these measures so frequently that it is better to wait for measures which will exhaust the Government to ask for more and more. I think, therefore, that we should wait for a Bill to be brought up later with more powers, as otherwise Government might think that the Bill is not enough to suppress terrorism and come forward again and say that they are not satisfied with the legislation already passed. Therefore, Sir, I am in favour of circulation.

Mr. J. N. GUPTA: Sir, although the Hon'ble the Home Member has already expressed the opinion that he is not prepared to accept any of the motions which require the circulation of the Bill for public opinion, I hope very much that he will still see his way to reconsider that opinion. One reason that has been assigned by the Hon'ble Member for his decision seems to me to be somewhat strange. He has said that in case the Bill were circulated for public opinion, say by the 14th of March, in order to discuss this Bill and to come to a final decision the Council will have to sit in April. Surely, Sir, that is not a sufficient reason why an opportunity to express public opinion on such an important matter should be negatived. It may be that the Hon'ble Member and the other members of Government are anxious

o leave Calcutta for Darjeeling in the beginning of April; but, consi-
lerations of that nature should not certainly be allowed to stand in
he way. We have just heard Dr. Naresh Chandra Sen Gupta make
a great complaint, and I think he has a great deal of justice on his side,
i.e., that although Government have been complaining that they
have not received that amount of co-operation which they expect from
he people, they have not shown on what practical lines the people are
o co-operate. In a measure like this, if the Government say that
they must pass the Bill at once and that they are not prepared to
onsider what opinion the public are going to express on the subject
and hear any further arguments in favour or against the Bill, I am
sure there are many men who will think like Dr. Sen Gupta that the
Government are not treating the people in that spirit of confidence
which makes for real and honourable co-operation on the part of the
people. Sir, I have already voted in favour of the Government that
the Bill should be taken up, because I feel that after all they are the
Government and they are responsible for preserving law and order,
matters which are of the highest importance specially at this juncture,
and as long as they are in power, it is our duty to support them. But
at the same time, Sir, I also feel that it is the duty of Government to
respect public opinion and to show the consideration which they deserve.
After all we are here as custodians of the people's wishes in a representa-
tive institution you have yourselves introduced. I appeal to the Home
Member that as the Round Table Conference is now sitting, Govern-
ment should vindicate the true Round Table spirit and take the public
into their confidence. I appeal once more to the Hon'ble Member to
reconsider whether either by giving time for the Bill to be considered
by the public or by allowing the Bill to go to a Select Committee or
by any other gesture, he is prepared to show that Government do not
wish to close the door against co-operation. With these few words
I would request the Home Member to reconsider his opinion and see
if he cannot see his way to accept any of these motions.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Sir, I feel that I
owe it to myself as well as to some of us who are going to oppose the
motion for circulation to make a statement giving the reasons for
our action. It is a painful duty, but nevertheless a duty which, we
think, we must discharge in an important matter like this. We have
heard from the other side many heated arguments why this Bill should
be circulated, but, as has been remarked by the Hon'ble Member in
charge of the Bill, very few arguments have been shown in favour of
the real matter at issue, *viz.*, the circulation of the Bill. It has been
said by my friend, Mr. Gupta, that Government will not lose anything
by waiting for some time more in order to elicit public opinion. I
would like to know what he really means by public opinion. This is

not an Act which has been sprung on the Council or on the people to-day without any notice or without any indication. Measures like this have been in existence for many years in Bengal and they have been discussed on the floor of this House and outside in great detail. I do not think there can be anything new which the circulation of this Bill will elicit from the public. Moreover, Sir, as is always the case, what some members of the House call public opinion will always be the criticism of the Bill and not its support. If anybody supports the Bill, it will not be considered a public opinion. Therefore, I do not think the circulation of the Bill will at all lead to any good. My friend, Mr. P. Banerji, while supporting the motion has had a fling at us on this side of the House. He has given us an advice that we should not always follow the Government in season and out of season. We appreciate his advice, but at the same time I would like to return the compliment and give him the advice not to leave his responsibility behind when entering the House and to remind him that it is not always the right thing to act keeping the gallery in front of him. We are not here, Sir, to support Government always, but when we do feel that an Act is necessary for the preservation of peace and order or we feel that an Act has to be supported on its merits, we support it irrespective of the fact whether Government likes it or not. With this in view we come to this House to discuss every matter according to its own merits. I am not going to speak on the subject of terrorism; there is hardly anything left to speak, but I can tell my friends that it has been practically admitted by most of the speakers on that side of the House that terrorism does exist and that they feel that it is necessary to take some action to eradicate the evil. So far as I know, nobody has suggested what action should be taken if the ordinances are not continued. By the circulation of the Bill, they say, if it is delayed for some time, no harm will be done. If there was the slighest possibility of eliciting any information that has not been obtained, I for one would have supported this motion, but I am sure, no useful purpose will be served by sending this Bill for circulation; it will only mean delay and very great inconvenience to everybody. For these reasons I oppose the motion.

Maulvi ABDUS SAMAD: Sir, I have listened with rapt attention to several of the speeches both for and against the motion. Now one thing that has emerged out of the discussion is that in the opinion of all this measure has never succeeded and is not likely to succeed in future in eradicating terrorism. That is certainly our experience and the history of other countries also shows that repression instead of checking terrorism helps its growth. Now, what is Government to do then? There are only two courses open, in my opinion, to remedy this evil: either Government must introduce full responsible and democratic

Government, or it must give up all pretence of granting such Government and revert to the old days of the East India Company (hear hear).

6-30 p.m.

Now, the Government is not going to give us real and genuine democracy as believed by some of the hon'ble members who have just spoken, because we know that the mouths of the people have been muzzled, and we all know that Government is only dealing with the so-called co-operators who are helping the Government in every possible way. So we can very easily conceive the type of democracy which is going to be given to us. It is well known that there is no half-way house between autocracy and democracy, and for democracy to be real, it must be entire. Now that Government is not in a position to give us a full measure of democracy, I would advise the Home Member to drop the present form of Government and revert to autocracy, and for that purpose I would also suggest the closing down of all schools, colleges and hostels which one of the members described as the breeding ground of sedition and anarchy, and put into prison all the patriotic sons of the country. I would also advise him to revert to the old days of Company rule, and govern the country with the systems that prevailed in those days. Otherwise, adding repressive laws to repressive laws is an insult to the House, and will produce no good whatever, and it would be merely irritating.

Mr. J. CAMPBELL FORRESTER: I move that the question be now put.

The motion that the question be now put was then put and agreed to.

The following motions were then put and lost:—

"That the Bill be circulated for the purpose of eliciting public opinion thereon by the 30th June, 1932."

"That the Bill be circulated for the purpose of eliciting public opinion thereon by the 30th April, 1932."

"That the Bill be circulated for the purpose of eliciting public opinion thereon before the 31st March, 1932."

"That the Bill be circulated for the purpose of eliciting public opinion thereon before the 25th March, 1932."

"That the Bill be circulated for the purpose of eliciting public opinion thereon before the 20th March, 1932."

"That the Bill be circulated for the purpose of eliciting public opinion thereon by the 15th March, 1932."

The motion that the Bill be circulated for the purpose of eliciting public opinion thereon by the 14th March, 1932, was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Baksh, Maulvi Syed Majid.
Banerji, Mr. P.
Bannerjee, Babu Jitendralal.
Basu, Babu Jatindra Nath.
Basu, Mr. Narendra Kumar.
Bose, Mr. S. M.
Chatterjee, Mr. B. C.
Chaudhuri, Babu Kisheri Mohan.
Chaudhury, Maulvi Nural Absar.
Chowdhury, Maulvi Abdul Ghani.
Fazlullah, Maulvi Muhammad.
Ghose, Dr. Amulya Ratan.
Gupta, Mr. J. N.
Hakim, Maulvi Abdul.
Hashemy, Maulvi Syed Jalaluddin.
Hoque, Kazi Emdadul.
Maiti, Mr. R.
Mookerjee, Mr. Syamaprasad.
Poddar, Seth Hunuman Prosad.
Rai Mahasai, Munindra Deb.
Ray, Mr. Shanti Shekhareswar.
Ray Chowdhury, Babu Satish Chandra.
Raut, Babu Hoseni.
Ray, Babu Haribansa.
Roy, Babu Satyendra Nath.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Naresh Chandra.
Sircar, Dr. Sir Nilratan.

NOES.

Armstrong, Mr. W. L.
Austin, Mr. J. M.
Bai, Babu Lalit Kumar.
Bai, Mr. Sarat Chandra.
Barma, Rai Sahib Panchanan.
Bartley, Mr. C.
Bazir Uddin, Khan Sahib Maulvi Mohammed.
Birkmyre, Mr. H.
Blandy, Mr. E. N.
Bottomley, Mr. J. M.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Maulvi Syed Osman Haider.
Chowdhury, Haji Badi Ahmed.
Cohen, Mr. D. J.
Coppinger, Major-General W. V.
Cooper, Mr. C. G.
Dain, Mr. S. R.
Das, Rai Bahadur Kamini Kumar.
Suhrawardy, Maulvi Nur Rahman Khan.
Farequi, the Hon'ble Nawab K. G. M., Khan Bahadur.
Fawcus, Mr. L. R.
Forrester, Mr. J. Campbell.
Gangali, Rai Bahadur Sunil Kumar.
Ghose, the Hon'ble Sir S. S.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gilchrist, Mr. R. N.
Guha, Babu Profulla Kumar.
Guha, Mr. P. N.
Gurner, Mr. C. W.
Hopkyns, Mr. W. S.
Hossain, Maulvi Muhammad.
Hussain, Maulvi Latafat.
Kasem, Maulvi Abul.
Kerr, Mr. W. J.
Khan, Maulvi Amin-uz-Zaman.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
Miller, Mr. C. C.
Momin, Khan Bahadur Muhammad Abdul.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Mullick, Mr. Mukunda Behary.
Nag, Reverend B. A.
Nandy, Maharaja Srie Chandra, of Kasimbazar.
Nazimuddin, the Hon'ble Mr. Khwaja.
Norton, Mr. H. R.
Ordish, Mr. J. B.
Ormond, Mr. E. C.
Philpot, Mr. H. C. V.
Prentice, the Hon'ble Mr. W. D. R.
Raheem, Mr. A.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Ray, Babu Amulyadhan.
Ray, Babu Nagendra Narayan.
Ray Chaudhuri, Mr. K. C.
Rees, Mr. J.
Ray, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Ray, the Hon'ble Mr. Bijoy Prasad Singh.
Sahana, Babu Satya Kinkar.
Sarkar, Sir Jadunath.
Sarker, Rai Sahib Rebati Mohan.
Suhrawardy, Mr. H. S.
Wilkinson, Mr. H. R.
Wordsworth, Mr. W. C.

The Ayes being 29 and the Noes 68, the motion was lost.

6-45 p.m.

Maulvi SYED JALALUDDIN HASHEMY: Sir, I beg to move, by way of amendment, that the Bill be referred to a Select Committee consisting of the Hon'ble Member in charge of the Political Department, Mr. B. C. Chatterjee, Dr. Naresh Chandra Sen Gupta, Mr. Narendra Kumar Basu, Babu Jatindra Nath Basu, Babu Jitendralal Bannerjee, Dr. Sir Nilratan Sircar, KT., Mr. Shanti Shekhareswar Ray, Maulvi Hassan Ali, Maulvi Abdus Samad and myself with instructions to submit their report before the 10th of March, 1932, and that the number of members whose presence shall be necessary to constitute a quorum shall be seven.

Sir, in moving my amendment, we once more open the door of negotiation with the Hon'ble Member, and I think this time the Hon'ble Member in charge of the Bill will have no valid objection in referring the Bill to a Select Committee the personnel of which has been selected after careful consideration. I have taken representative members from all groups of this House and I am sure all sections and all groups, in fact, all members of this House, will agree to my motion to refer the Bill to a Select Committee.

Mr. PRESIDENT: I may make a suggestion at this stage. Members who have given notice of all these amendments can, of course, as a matter of right, move them. But if they and the House desire to save time, I may first put only the first part of the amendment which has just been moved to see if the House is at all prepared to refer the the Bill to a Select Committee. If that is not thrown out, I shall then take up the second parts of all the other amendments but not otherwise. It is no good wasting time over the question of the personnel of the committee without knowing that the House is going to form a committee.

Mr. NARENDRA KUMAR BASU: We all agree to your suggestion.

Maulvi SYED JALALUDDIN HASHEMY: Sir, I formally move that the Bill be referred to a Select Committee.

Maulvi TAMIZUDDIN KHAN: In view of the observations just made by you, will you kindly allow some of us to move short-notice amendments for adding certain names provided the motion for referring the Bill to a Select Committee is passed?

Mr. PRESIDENT: I will consider your request at the right moment. That question does not arise now.

Maulvi TAMIZUDDIN KHAN: If you give us your ruling now, we shall decide whether the Bill should at all go to a Select Committee.

Mr. PRESIDENT: The only question which is now before the House is whether the Bill should be referred to a Select Committee or not.

Mr. NARENDRA KUMAR BASU: I beg to support the motion and I hope Mr. Prentice will have no difficulty to accept it. If one glances at the list of amendments to the Bill, one will be surprised that so many amendments could be sent in so short a time. I must confess that personally speaking I had absolutely no time to devote to this matter. Then you will see that the Bill had been drafted in such a hurry that even Mr. Prentice had to table a motion for amendment. That shows that even though no circulation of the Bill was thought to be necessary in order to elicit public opinion because the terms of the Bill have been before the country since October last, Mr. Prentice's Bill was drafted in a hurry and it has required amendment even at the hands of Mr. Prentice himself. Then, Sir, there are certain other amendments which go to correct the language of the Bill in certain respects. Speaking as a lawyer, although I am not giving my considered opinion on the point, I submit that the language of sub-clause (*i*) of clause (*2*) of the Bill is one that evidently requires readjustment before it can be explained before a court of law. I know that the provisions of this Bill are not likely to come before a court of law, but as a legislative body it is our duty to see to it that the terms are absolutely clear. Then, Sir, there are certain additions made to clauses (*3*) and (*5*) of the Bill and it is necessary that they should be fully considered outside the Council in a cooler atmosphere. Select Committee would probably find that the language of some sections does require amendment for bringing out what Government want and what is thought to be necessary by the representatives of the people, and much time will not be lost in considering these six or seven sections in the Select Committee. I think there is much to be said in favour of referring the Bill to a Select Committee.

Babu SATYENDRA NATH ROY: In supporting this motion for referring the Bill to a Select Committee, I would only remind the members what the Hon'ble Mr. Prentice just now said when opposing the motion for circulation. He said that though we might fix the 14th of March as the last date for receiving opinions, opinions would come in by the 31st of March at the earliest and so there would not be any time for going on with the consideration of the Bill. But in this case, when a definite time for a Select Committee is fixed, there cannot possibly be any delay because the members will be bound to finish their

work and submit their report in time, and then there will be ample time for the Council to consider and pass the Bill either before the budget discussion commences or after the budget discussion. My argument for supporting the motion for referring the Bill to a Select Committee is quite reasonable, because I want the Select Committee to submit their report, say, by the 10th of March, 1932, in which case there would be ample time left for the Bill being considered and passed.

Dr. NARESH CHANDRA SEN GUPTA: I support this motion for reference to a Select Committee. It will be noticed that the Hon'ble Member in introducing the Bill has not given us all the information that ought to have been given to the members of the Council before they could pronounce their opinion on the clauses of the Bill. The ordinance upon which one part of the Bill is based has been in operation for about four months. The Hon'ble Member has not told us what has been the experience of the Government in the administration of that ordinance. We are not in the know so far as the inside working of the Government is concerned. We have all known from outside as to how the ordinances are being administered, what difficulties they have encountered, what troubles they have raised, and what may be anticipated in consequence of re-enacting those ordinances. I wish we might discuss the matter with the Hon'ble Member and he might furnish us with information relating to its working—information which he may not be quite willing to place before us in the publicity of this Council. If a Select Committee is appointed, he can place all that information before the members of that committee and satisfy them upon materials which he cannot place before us that the clauses he has drafted are clauses which should be retained. It is just possible that when we have the full knowledge of the other side of the question, we might be able to alter our opinion with regard to the clauses of the Bill.

Then, again, there are certain other things to be considered. As I have pointed out in connection with a previous motion, the Bill was drafted before the latest outrage. Since then the position has become a little changed, in this way that the confidence which the people would have had in the Bill if the outrage had not occurred has been considerably shaken. Possibly the Hon'ble Mr. Prentice will be able to satisfy us that it was not the fault of the ordinances but of something else or somebody else. Possibly it might become feasible to amend the Bill in such a manner as to give more effective powers. I do not anticipate that it would be so, but I would make every allowance for the Government and concede for the purposes of my argument that they have got a very strong case. In that case let them come and prove the same before the Select Committee.

Then, Sir, there are other considerations. Already Mr. Prentice has told us that there have been some conversations—I am not particular

about the words he uses—there has been some conversation about making the Bill permanent. Well, if that is so, then I think the matter may be threshed out without waiting. If the Government is satisfied, it can as well satisfy the Select Committee that the Bill ought to be made permanent. Besides, when the question of enacting this measure arises, we have also got to consider the fact that this measure has not been found adequate to tackle with all the troubles and all the difficulties and for that reason the Government of India had to enact some other ordinances. It might be worth considering how far some other provisions of those ordinances might not be incorporated in this Bill.

7 p.m.

It might be worth while considering how far some of the provisions of these ordinances might be incorporated in one measure, so that we might have a Bill with the fullest complement of repressive armoury at the disposal of Government, without their having to take the trouble to come before the Council, even this Council, again. It is, therefore, best that the drafting of the Bill at any rate should be considered in Select Committee. Of course I am not sure that Mr. Prentice will not say that it is wholly unnecessary. Being an author myself I know the partiality authors feel for their own productions and I am sure Mr. Prentice will probably feel very proud of his own production. But at the same time there are others who may not share this opinion and it is always of advantage to listen to what people outside have got to say even in regard to our own productions. I know this from my own experience and on these grounds, Sir, I support this reference motion.

Babu SATISH CHANDRA RAY CHOWDHURY: I beg to support the motion for reference to Select Committee, and I do so on one practical ground. I find that some of my amendments which I consider to be very essential require the sanction of the Governor-General and that sanction has not yet been received. If the Bill were referred to a Select Committee, by that time sanction might arrive and those amendments, those essential amendments, might get a chance of being considered. I am sure, Sir, that if these two amendments are dispassionately considered, even the Hon'ble Mr. Prentice would accept them.

The Hon'ble Mr. W. D. R. PRENTICE: It is not pride of authorship that prevents me from sending this Bill to the Select Committee. For it is the duty of the Legislative Department to frame Bills according to the instructions which it receives and I am not responsible for the actual drafting of the Bill. So there is no pride of authorship involved here. But to get back to the question of Select Committee, the Government view is that a Select Committee is

unnecessary; the Bill is a very short one and its provisions are perfectly plain. There is nothing complicated; even the section, to which Mr. Narendra Kumar Basu has referred, we have worked for four months and I may say we have no difficulty in deciding what it means. There is no real complication that makes it desirable to send the Bill to a Select Committee for detailed examination. I admit that the prospect in one sense is attractive as Dr. Naresh Chandra Sen Gupta says he will make the Bill stronger, but I am afraid the result of his handiwork will be otherwise.

The other point for the consideration of the Council is, as I have pointed out already in connection with the motion for circulation, that any delay in this matter means additional sittings for this House. If the motion for reference to the Select Committee is carried and a report is submitted by the 10th March, it has got to be printed, it has got to be circulated inviting amendments and it cannot be taken up until the beginning of April, because the budget discussion begins on the 14th March and lasts till the 31st. We do not think that in these circumstances it is to the advantage of the Council to send this Bill to a Select Committee for consideration, and we do not think that the provisions of the Bill are so complicated as to make it desirable to refer it to a Select Committee. Government, therefore, oppose the motion.

Babu SATISH CHANDRA RAY CHOWDHURY: My contention is that some of my amendments are essential and will be accepted if they receive the sanction of the Governor-General, but they are thrown out on the ground that the Governor-General's sanction has not been received.

The Hon'ble Mr. W. D. R. PRENTICE: There are only two amendments of yours that require the sanction of the Governor-General. We have wired for that and we expect to receive the sanction before the amendments come up for consideration.

Mr. SHANTI SHEKHARESWAR RAY: I have listened with care to the speech of the Hon'ble Member, but I did not find in it a single hint that he was going to accede to the very reasonable appeal made by Mr. N. K. Basu. Sir, the Hon'ble Member has made out no case for rushing on with this legislation. He has even now got the ordinances to work upon and in the absence of such an Act as is contemplated, he can well go on with his task of preservation of law and order for a few months more.

There is another point: I do not see why in this case we should not follow the normal procedure that is usually followed in connection with legislation in this country. First, there is the stage of circulation, then there is the Select Committee stage and thirdly, the consideration stage.

This is, Sir, usual in the case of almost every piece of legislation. The Hon'ble Mr. Prentice has said that he is already in possession of the necessary public opinion and that he has no need for further opinion to be elicited by circulation. But then why does he not follow the next stage, the Select Committee stage? In that case, Government say, the House will be inconvenienced. May I ask, Sir, what Mr. Prentice was doing all these days? Why did he not bring forward this bill at an earlier date and give us an opportunity of going through the very necessary procedure of the Select Committee? After all it comes to this, that all his arguments are not put forward to convince us or to change our opinion, but it is a deliberate insult to the House to bring such legislation before us and ask the sanction of the House without giving it time to consider it properly, at least without going through the normal procedure.

The motion that the Bill be referred to a Select Committee was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Baksh, Maulvi Syed Majid.
Banerji, Mr. P.
Bannerjee, Babu Jitendralal.
Basu, Babu Jatindra Nath.
Basu, Mr. Narendra Kumar.
Bose, Mr. S. M.
Chatterjee, Mr. B. C.
Chaudhuri, Babu Kisheri Mohan.
Chaudhuri, Khan Bahadur Maulvi Ali-muzzaman.
Choudhury, Maulvi Nural Absar.
Chowdhury, Maulvi Abdul Ghani.
Faziullah, Maulvi Muhammad.
Ghose, Dr. Amulya Ratan.
Gupta, Mr. J. N.
Hakim, Maulvi Abdul.
Hashemy, Maulvi Syed Jalaluddin.
Hoque, Kazi Emdadul.
Hossain, Maulvi Muhammad.
Maiti, Mr. R.
Mookerjee, Mr. Syamaprosad.
Poddar, Seth Hunuman Prosad.
Rai Mahasai, Munindra Deb.
Ray, Mr. Shanti Shekharesswar.
Ray Chowdhury, Babu Satish Chandra.
Raut, Babu Hoseni.
Ray, Babu Haribansa.
Ray, Babu Satyendra Nath.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Naresh Chandra.
Sircar, Dr. Sir Nilratan.

NOES.

Armstrong, Mr. W. L.
Austin, Mr. J. M.
Bal, Babu Lalit Kumar.
Bal, Mr. Sarat Chandra.
Barma, Rai Sahib Panchanan.
Bartley, Mr. C.
Bazlr Uddin, Khan Sahib Maulvi Mohammed.
Birkmyre, Mr. H.
Blandy, Mr. E. N.
Bottomley, Mr. J. M.
Chaudhuri, Maulvi Syed Osman Haider.
Chowdhury, Haji Badi Ahmed.
Cohen, Mr. D. J.
Coppinger, Major-General W. V.
Cooper, Mr. C. G.
Dain, Mr. G. R.
Das, Rai Bahadur Kamini Kumar.
Ewart, Maulvi Nur Rahman Khan.
Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur.
Fawcus, Mr. L. R.
Forrester, Mr. J. Campbell.
Gangali, Rai Bahadur Sushil Kumar.
Ghose, the Hon'ble Sir B. B.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gilchrist, Mr. R. N.
Guha, Babu Profulla Kumar.
Guha, Mr. P. N.
Gurner, Mr. C. W.
Haque, Khan Bahadur Maulvi Azizul.
Hopkyns, Mr. W. S.
Hussain, Maulvi Latafat.
Kasem, Maulvi Abul.
Kerr, Mr. W. J.
Khan, Maulvi Amin-ur-Zaman.
Khan, Khan Sahib Maulvi Muazzam Ali.

Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Magadra, Mr. L. T.
Marr, the Hon'ble Mr. A.
Miller, Mr. C. C.
Momin, Khan Bahadur Muhammad Abdul.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Mullick, Mr. Mahendra Behary.
Nag, Reverend B. A.
Nandy, Maharaja Srie Chandra, of Kasimbazar.
Nazimuddin, the Hon'ble Mr. Khwaja.
Norton, Mr. H. R.
Ordish, Mr. J. E.
Ormond, Mr. E. C.
Philpot, Mr. H. C. V.
Prentice, the Hon'ble Mr. W. D. R.
Raheem, Mr. A.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Ray, Babu Amulyadhan.
Ray, Babu Nagendra Narayan.
Ray Chaudhuri, Mr. K. C.
Ross, Mr. J.
Ray, Mr. Saileswar Singh.
Ray, Mr. Sarat Kumar.
Ray, the Hon'ble Mr. Bijoy Prasad Singh.
Sahana, Babu Satya Kinkar.
Sarkar, Sir Jadunath.
Sarker, Rai Sahib Rebati Mohan.
Suhrawardy, Mr. H. S.
Wilkinson, Mr. H. R.

The Ayes being 31 and the Noes 66, the motion was lost.

Adjournment.

The Council was then adjourned till 3 p.m. on Wednesday, the 24th February, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Wednesday, the 24th February, 1932, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 105 nominated and elected members.

Point of order.

Babu JITENDRALAL BANNERJEE: May I rise on a point of order, Sir? Before you take up the consideration of the Bill may I draw your attention to sections 59 and 60 of the Rules and Standing Orders. Rule 60 (*1*) says "any member who wishes to move an amendment to any Bill under the consideration of the Council shall send written notice thereof to the Secretary so as to reach him at least 10 days before the first day on which the Bill is to be taken into consideration by the Council." In this particular case the period of 10 days has not elapsed as we received notice of the Bill on the 15th so the amendments cannot be taken into consideration. The clear implication of the language of the section is that a period of 10 days must elapse between our receipt of the Bill and the date when the discussion of the amendments commences. May I inquire whether it is within the power of the President to shorten the statutory period?

Mr. PRESIDENT: My interpretation of the rule is this and it is a very simple one. The rule demands ten days' notice; but, the President can accept short-notice amendments. In this particular case, the President decided to accept amendments at shorter notice, and a date for that purpose was specified by him, I think there can be no complaint of hardship, more so, as the Bill was handed over to them in time. The rule prevents a member from insisting upon an amendment being accepted unless he is able to give clear 10 days' notice; but it does not prevent the President from accepting short-notice amendments.

Babu JITENDRALAL BANNERJEE: I do not complain of any hardship, personal or otherwise. Everybody was notified in proper time and we had ample opportunity of submitting our notices of amendment. But my point is, not that there was any difficulty as regards sending notice but whether the President has the power to shorten a statutory period which is laid down in the rules.

Mr. PRESIDENT: But you make a mistake. The rule does not say that a period of 10 days must intervene between the receipt of the Bill and the notices of amendment.

Babu JITENDRALAL BANNERJEE: If there was a period of three weeks, then of course this might be allowed.

Mr. PRESIDENT: Then why do you say that 10 days must elapse?

Babu JITENDRALAL BANNERJEE: The point is that notices of amendments *shall* be sent at least 10 days before the consideration of the Bill. Of course, you can, at your discretion, allow us to send amendments at shorter notice. But would you shorten the minimum period which seems to be fixed by the rules, at least by implication. The proper reading of the section, I submit, is that a period of 10 days *must* intervene between the two dates.

Mr. PRESIDENT: It is obligatory to give 10 days' notice but when that period is reduced or shortened by the President there cannot be any hardship, other things being equal.

GOVERNMENT BILL.

The Bengal Criminal Law Amendment Bill, 1932.

[The discussion on the above Bill was then resumed.]

The motion that the Bengal Criminal Law Amendment Bill, 1932, be taken into consideration was then put and agreed to.

Clause 1.

Mr. PRESIDENT: The question is that clause 1 stand part of the Bill.

Babu SATYENDRA NATH ROY: I beg to move that in clause 1, line 2, after the figures "1932" the following be added, namely:—

"and shall remain in force for a period of one year after the passing of this Act."

Sir, I submit to the House that after the sitting of the Round Table Conference for two successive years and when the Franchise Committee and the Federal Structure Committee are working to draw up the details of the new constitution and when His Excellency the Viceroy is also presiding over another Committee, is this the time when this repressive legislation—this Ordinance—should be on the statute book for more than a year? Had we not enough of these repressive measures and is it not our experience that they have failed? If Government is at all anxious to continue this Ordinance the life of such enactment should not continue for more than a year. Unless these repressive measures cease, there is no chance of the people co-operating and the reforms becoming successful. It is openly said that the British Government at Home may be anxious to give something in the shape of constitutional advancement, but the administrators here in India would see that they are made futile and impotent. Measures such as the present Bill strongly support that opinion. The present Treasury Bench would cease to exist, but would they leave all their weapons of oppression behind as permanent measures? I appeal to my friends of the Moslem group that if they really want to see the reforms successful and a new constitution inaugurated with as less friction as possible, they should see that these repressive laws do not remain on the statute book for more than a year. I heard my friend Khan Bahadur Abdul Momin speaking yesterday in opposing the motion for circulation that members should not play to the gallery and should have a feeling of responsibility. I would remind him also that we are not here as administrators and that we the elected members have a duty to perform towards our electors and that we come here and occupy our seats for performance of such duty. I have not much hope about the nominated members as they have always to look up to the Treasury Bench for small concessions and favours. My friends of the European group should also act in a more sympathetic way and not blindly follow the Government in keeping this repressive law on the statute book for more than a year.

3-15 p.m.

Mr. SYAMAPROSAD MOOKERJEE: I beg to move that to clause 1 the following words be added, namely:—

"and shall continue in force for one year from the date of its commencement."

In rising to move this amendment I would assure the Hon'ble Member, as assurances have been given a number of times by members on this side of the House, that we fully realise the gravity of the present situation. We realise the existence of the terrorists and we

realise that their activities are injurious to the best interests of our motherland. But, Sir, the point on which we disagree is that the provisions of the Bill will result in coping with the present situation. Sir, as was pointed out yesterday by several members speaking from this side of the House, the history of repressive legislation in this country gives the lie direct to the proposition that repressive measures can do away with terrorist organisations. Sir, the fact remains that these measures are inadequate—these measures are altogether inappropriate to cope with this menace. What then is the conclusion at which we arrive? I heard the Hon'ble Mr. Prentice saying yesterday in connection with Dr. Naresh Chandra Sen Gupta's amendment asking the House to refer the Bill to a Select Committee that the proposal appeared to the Home Member to be a tempting one inasmuch as the Bill might come back from the Select Committee with even more rigorous provisions than those already contained therein. I know, Sir, that is regarded by men like Mr. Prentice as the one available remedy; they know only repression and more repression. But, Sir, there may be another way of looking at the problem and that is to go into the root of the question and invite full public co-operation. Sir, just as a drowning man catches at a straw to save himself, we find Government catching at one Ordinance after another, at one repressive measure after another. The boat is, however, sinking slowly but steadily. I could not agree with Mr. Abul Kasem, my friend, with a double conscience, when he said yesterday that the remedy was to give Government a long rope. He very discreetly did not continue this line of argument and say that the ultimate end would be to let the Government go and hang itself by that long rope. Let me ask in all seriousness, if we go on with the present policy, where shall we be landed? That is an aspect which I would seriously ask Mr. Prentice to consider. The time is, perhaps, drawing near when Mr. Prentice would leave Bengal and what is the legacy he would leave behind him? It would be nothing but a memory of widespread repression, of an era of bitterness and hatred. Sir, instead of this, would it not be much better if Government really went into the questions which were at the root of the terrorist organisations? It is not possible for any one to suggest remedies straight off, but the reason why we are suggesting that the Bill may be passed for one year for the time being is two-fold. In the first place, Sir, we feel that by making this gesture Government would respond to public opinion. Yesterday I watched with interest Mr. Prentice referring to public opinion and quoting extracts from newspapers. But if he is really anxious to placate public opinion, he should make this gesture and accept the amendment which will not harm Government in any way. All that it will mean is that if in future Government feel that such an Act should be continued, they may ask for a fresh lease of its life. I know it may be said that there will be difficulties, because the parent Act had been passed for a period of five

years; but these are questions which can easily be settled if Government really want to make this gesture. If it is decided to drop this amending Act, and we all hope that may be the case in the near future, Government may well accept this amendment. In that case if the parent Bill is to be kept alive, Government may easily introduce another amending Bill omitting the provisions which are sought to be passed to-day and replacing the old provisions of the 1930 Amendment Act. These are questions of detail which could easily be worked out if Government really wanted to make this gesture. It has been said times without number that all groups represented in this House are against such repressive legislation. I do believe that that is so. Now, if that is the real state of feeling of the Government, why not say that this is a matter of temporary character which it is felt must be on the statute book for the time being. Let it be there for one year and let us hope that after one year it may not be necessary to re-enact it. Then, Sir, there is another reason why my amendment should be accepted and that really follows from the first reason. I feel, Sir, in the meantime a sincere and honest effort should be made by Government to go into the question of remedying terrorism not by terrorising the people, not by passing repressive measures, but by doing something else. I shall not say that something else is only the grant of self-government; we have said that a number of times and I am not going to repeat it to-day —I would rather say that an attempt, an honest attempt, should be made to solve the question of unemployment amongst the *bhadralok* middle-class young men of Bengal. I think that is a direction in which Government may usefully move. Some very interesting suggestions on this question were made by a member of this House, with whom we on this side of the House do not always agree, I mean our friend Mr. P. N. Guha. In the budget for the coming year there is a provision of Rs. 33,00,000 which will be necessary to meet expenditure on police and jails in order to cope with the present political situation. If you spend half of that sum towards the solution of the question of unemployment in this province, that will be eradicating terrorism in a very effective manner. We passed the State Aid to Industries Bill some months ago. That was all right so far as the Bill went, but we have never heard of it since and we will not hear of it until some years elapse and a future Minister would want to pass some other Bill and would refer to this as part of historical development. That is one direction, Sir, in which I would ask the Government to move. The last thing I would say is that if Mr. Prentice is really anxious to have solid public opinion behind him in the solution of this very difficult problem, he ought to take courage in both hands and make the Bengal Government take steps to depute that great Indian leader who is now in the Yeravada Jail to-day, more than whom nobody else commands the confidence and respect of a larger number of Indians in this country, whatever may be the views of Mr. Prentice or of his advisers,

one whose sincerity and honesty no one can question, one who has criticised and condemned these outrages even in more violent language than Mr. Prentice can think of, to depute him and ask for his services to lead a systematic campaign to stamp out the evil from this province and also from the other sister provinces. Sir, Mr. Prentice may say that it is not his job. I do not know whose job it is; but if you really mean to placate public opinion, you will have to adjust your action according to public demand and not continue to go against it for all time to come.

Sir, I hope the Hon'ble Mr. Prentice will seriously consider whether he cannot accept this amendment for it will not harm anybody; on the other hand, the act of acceptance will be genuinely appreciated by the entire public of Bengal.

Mr. B. C. CHATTERJEE: Sir, we have got into a thoroughly vicious circle. On the one hand, the people of the country do not trust the reserved side of the Government, while, on the other, the reserved side of the Government do not trust the people of the country. The result is that they are going for each other. Great Britain has definitely promised us provincial autonomy. In the normal course of things the two sides of the House should be co-operating with a view to preparing the province for the due discharge of the responsibilities which would soon devolve on it. Instead of doing that we are spending ourselves in a futile antagonism. Now, Sir, I think it is hardly fair to go for the Hon'ble Mr. Prentice, or anybody else in his place whether he be an Indian or an Englishman, as long as he is in the position of not being responsible to the House and to the people. Well, he cannot but do what he does with the aid of his official supporters. I am sorry, Sir, for his official supporters, as they have got to vote to order and also for those non-official members of this House, that is to say, the non-official European and nominated members, as also a good many of our Muhammadan friends, who find themselves compelled to vote for Government. The difficulty is that we cannot entrust the Hon'ble Mr. Prentice with such large powers, as long as we cannot hold him to an account for the exercise of those powers. I think the House truly appreciates and understands that position. Yet, only the other day, to my infinite surprise, the House turned down my proposal, when I suggested that all the portfolios of Government, with the exception of the blessed "Forests," ought at once to be transferred to popular Ministers responsible to the House. That proposal was talked out because of the eloquent speeches from the Rev. B. A. Nag and a number of other gentlemen who sprang up to my right and to my left and divided the Council on the question. Government, however, had stated that they would not vote on this question——

Reverend B. A. NAG: Sir, may I rise to inquire if this is at all relevant to the subject under discussion?

Mr. B. C. CHATTERJEE: May I inquire which portion of my speech Rev. Nag is referring to? If he is referring to my allusion to his speech on the last date, then he is perhaps right, as the whole of his speech the other day was irrelevant.

Reverend B. A. NAG: I rise again to ask if this is at all relevant so that the question may be decided at once.

Mr. PRESIDENT: You must allow a member certain latitude to develop his arguments in his own way.

Mr. B. C. CHATTERJEE: I may say that he seems to be imagining himself a Crusader pursuing a Saracen who will not be satisfied till he has killed the latter, like a true Christian. Now, Sir, we must not go on indulging in mere criticism of the Hon'ble Mr. Prentice. We must know our own minds and settle what we should do. The only way in which you can secure popular support for a measure like this is by introducing provincial autonomy and thereby making the Minister in charge of the portfolio of public security responsible, there is no other way. My friend Mr. Mookerjee has suggested that a solution of the unemployment problem would remedy the evil of terrorism. As a rule, I agree with Mr. Mookerjee in this House. But I must point out, Sir, that it is a well-known fact that many of these boys who take part in the revolutionary movement come from respectable and well-to-do families. So, it is not poverty, I am afraid, which inclines them towards terrorism. In the second place, Mr. Mookerjee has made the suggestion that Mr. Gandhi should lead a campaign against terrorism, but Mr. Mookerjee should remember that these young men would never listen to Mr. Gandhi.

3-30 p.m.

The only way in which you can bring them to reason is the way I have suggested. Suppose my friend Mr. Mookerjee were the Minister in charge of the portfolio of law and order, and he gave an order to Mr. Colson which Mr. Colson carried out, but which antagonised the members of the revolutionary party—well, then I think there would be a chance of these revolutionaries saying that after all it was not Mr. Colson's fault, and that he could not be held responsible for carrying out an order given him by Mr. Mookerjee. The English officers of the Crown would become immune from the attacks with which we are now so tragically familiar. The ultimate question of whether these gentlemen will give up the movement or not, even under

these circumstances, is a difficult one to predict about; that matter remains to be seen; although my honest opinion is that the miracle, the miraculous sight, of a Bengalee Minister, say, like Mr. Mookerjee being in charge of the portfolio of law and order, and being responsible to this Council would act as a moral solvent of the problem——.

Mr. PRESIDENT: I am sorry to interrupt you. I think the principle of this Bill has been accepted by this House, and the motions for circulation and reference to a Select Committee have been disposed of. What we are now concerned with is what should be the duration of the life of this Act, that is to say, how long should it be on the Statute Book.

Mr. B. C. CHATTERJEE: Very well, Sir. I was only trying to show the House the futility of making speeches on these amendments, and the equal futility of trying to convince Mr. Prentice. I am trying to get the House to reconsider the suggestion of the transfer of the portfolio of law and order. Instead of talking here, let us send a joint address to His Excellency the Governor——

Mr. PRESIDENT: I do not think, Mr. Chatterjee, you should refer to that now.

Mr. B. C. CHATTERJEE: Sir, I stand corrected. I shall merely say one word more. Now coming to the amendment itself, I think it is very reasonable, most reasonable. After all the Government of India Act gives the Viceroy not more than six months' power to rule by Ordinance in this extraordinary manner. If the Viceroy is bound down with the limitation that he may not exercise extraordinary powers for more than six months, it is rather difficult to entrust a local Government with such extraordinary powers for so long a time as Mr. Prentice asks for. I rather think the amendment errs on the side of leniency. It should have asked for six months only. However, I commend the amendment to the acceptance of the House.

Maulvi TAMIZUDDIN KHAN: I feel inclined to support this motion for curtailing the life of this Act to one year only, but before I say something in favour of it, I would like to say a few words to Mr. Roy and Mr. Chatterjee who made references to the attitude of some of us. (A VOICE: Ignore that, ignore that.) To-day of course we see that the House as a whole is in a co-operating mood, but I am afraid we are not always in such a mood. The Bill was introduced and there was opposition to its introduction, and after that an attempt was made to have the Bill circulated. The speeches made in support of these motions were no doubt apparently in a spirit of co-operation,

but no one of those speakers could suggest any method whereby this terrorist movement could be suppressed. We must admit that Government is in a very difficult position. When judges and other high officials are murdered, Government cannot but do something to protect themselves. So far no one has been able to give any advice to the Government which can be said to be at all practicable. Government has to take action and if Moslem members have supported Government in these measures, it is only in the absence of better methods of fighting this movement. If a better and more practical method is placed before the House, we shall be glad to support such a method. Those who say that Moslem members support Government in season and out of season should think twice before they repeat that.

Mr. B. C. CHATTERJEE: On a point of explanation. I never said "in season" I said "out of season."

Maulvi TAMIZUDDIN KHAN: However, I support this amendment for this reason. If the Government admit, as they must admit, that this measure, though necessary, has not proved altogether successful in its object, I think it is better for the Government to consider if a better measure is devisable, and the country to take time, as we are unable to find any better method at present, we can give Government the powers they want, but that should be for one year only and after that one year, if the situation does not improve, then it will be for the Government to ask for a further extension of the life of the enactment. We should also take into consideration the fact that the life of this Council is expected to end in July next, and it is not unreasonable to think that a new Council will come into office soon after that. Although we in this Council are unable to find out any better method of dealing with this terrorist movement, it is not impossible that the new Council may perhaps be able to devise methods better adapted to fight this movement. In this view, I think, one year is quite sufficient. Mr. Mookerjee said that practical obstacles may arise as the original Act is an Act for five years. I think if this amendment is carried, there will be no difficulty so far as that is concerned, because *ipso facto* the original Act will be amended and the life of that Act also will be one year only. There may be other difficulties which the Hon'ble Member may perhaps point out in his speech on this amendment. I shall be glad to hear what the Hon'ble Mr. Prentice has to say in support of the extension of this Act for five years, and I shall revise my opinion, if necessary. As I understand the situation at present, I think Government can very well accept this amendment. The whole House is now in a co-operating mood and I think as a matter of policy it will be advisable for the Government to take the House with it and accept the amendment.

Babu JATINDRA NATH BASU: I rise to support the amendment of Mr. Mookerjee. All sides of the House are evidently of the opinion that this is a measure which cannot but be regarded as a set-back. It is a special and extraordinary measure which, according to some, has been rendered necessary by certain special circumstances. The only question which is now being discussed is what is to be the length of time during which this measure should be operative. The Act itself has been given a life of five years. If it is found that after the period of one year, for which it is intended that this enactment should continue, conditions continue as at present, then it would be time to think of extending it still further. One year is a long period for a trial to see whether the enactment will be effective or not. It has been pointed out that so far as the time limit is concerned, if the Government does not achieve its object by operating the Act for one year, it will be time for the Government of the day hereafter to think out some other measure which will be really effective. The Government of the day may change its policy; there may be changes in the Government itself, but why an Act, a special and emergency measure, should be now passed in anticipation of circumstances which may not be in existence hereafter. The time limit of one year, as stated in the amendment, is a sufficiently long period. Sir, I agree with Maulvi Tamizuddin Khan that it is not right and proper to say that the Moslem members in this Council vote for Government because the Government desire them to vote in a particular way. They cast their votes according to what they consider to be the right policy. In many cases they may not agree with a great many of us, but that does not mean that they do not sincerely and honestly believe that what they are voting for will be in the best interests of the country.

Mr. J. CAMPBELL FORRESTER: I feel that this side of the House really has to compliment my friend, Mr. B. C. Chatterjee, on his good humour and his attempts to keep the House in good humour. His one idea, that we all can readily see, is the conciliating of all the different political forces; this is very admirable, and he loses no opportunity of putting it forward. But I have been a member of this Council from its inception and it has been my misfortune to hear, almost year after year, the same arguments such as have been advanced to-day on the Criminal Law Amendment Bill. We have had Ordinances three or four times introduced in this Council for discussion, and the same sort of tactics and arguments has been going on, and I think it is time that this sea-saw business ceased—an Ordinance passed and a few months afterwards repealed—a few months more and the Ordinance again introduced. We must have something on the Statute Book. It has been pointed out and it is clear to us that the working of this last Ordinance has been successful. I think it is

about eighteen months ago that the Governor was good enough to say that the condition of Bengal was so much improved that we could now do away with the Ordinance. He was referring to the Ordinance that was previously in existence. This was about eighteen months ago. Here, again, we find the necessity of continuing the present Ordinance, and I agree that Government is doing the right thing in placing something on the Statute Book that will not necessitate Government coming up every now and then and asking for powers to cope with the situation. I oppose the amendments.

3-45 p.m.

Mr. NARENDRA KUMAR BASU: Sir, I rise to support the amendment. I shall not talk about provincial autonomy as Mr. Chatterjee has done. I shall base my arguments on the legal merits of the question. As Mr. Chatterjee has pointed out, under the Government of India Act, section 72, the life of an Ordinance is only six months. Under the ordinary Criminal Law, the Criminal Procedure Code, temporary orders can be passed and those orders may also be extended from time to time by the Local Government if they think fit. There is no such provision in the Government of India Act and the real question is whether an Ordinance can be renewed after its original period of six months. There is considerable divergence of legal opinion on that point. However that may be, this Ordinance has been tried for four months only. It was originally promulgated for six months. About two or three months of its life has still to run. What we want by this amendment is that the provisions of this Ordinance may be enforced for another year. Surely, Sir, that would be time enough to see whether this Ordinance is or is not to be further extended. There are absolutely no difficulties so far as I can see. It is within the competence of this House to extend the provisions of the Ordinance again after one year if that would be considered necessary—whether the House is composed as it is now or not. It will be the question of a very short Bill to extend the life for another two years and that, I submit, will be a matter of no difficulty, and there is absolutely no reason why an Ordinance which was promulgated for six months only, four of which have only expired, should be extended to more than twelve months in the first instance.

Maulvi ABDUL HAMID SHAH spoke in Bengali, the English translation of which is as follows:—

"Mr. President, on the existence of the revolutionaries in Bengal opinion is not divided and nobody has been able to produce reasonable arguments against the adoption of repressive measures. During

yesterday's discussion of the Bill, some of the Hindu members slightingly referred to the Muhammadan members of this Council for their having taken sides with Government. But the fact is that many Hindu members also voted for Government. It is those who are afraid of the revolutionaries and who desiring that their activities should be suppressed have whole-heartedly supported the present measures that have voted in favour of Government irrespective of their caste and creed. Under the circumstances, I cannot approve of this laying of blame on the Moslems alone. The amendment brought forward by Mr. Mookerjee to fix the lifetime of this measure, when it is passed into law, as one year, if accepted, will not, as far as I can see, defeat the purposes of the Bill. In view of the reforms to be shortly introduced into the administrative system of the country and the new era of peace and tranquillity, which, the authorities assure, is very likely to follow in its train, I do not deem it advisable to enact a law, embodying such repressive measures for an indefinite period of time. In the event of the situation getting tenser than what it is to-day, the necessity may arise for severer measures.

On the other hand, if the amendment is accepted by Government, I believe that the different parties in the Council will in right earnest set about the task of putting a stop to the revolutionary activities, and the fact may also bring about a change in the mentality of the revolutionaries in the country.

I, therefore, support Mr. Syamaprosad Mookerjee's amendment."

Mr. E. C. ORMOND: If it had not been for the hon'ble Mr. Basu's legal argument which he thought fit to address to this House on this amendment, I would not have troubled this House by speaking on this amendment. I for one have too much respect for the ordinary laws of the land to accept any system of law to be put into force permanently which should enact a system of law like the Ordinances which were and could have been made temporary, and I have little doubt that the Hon'ble Mr. Prentice will agree with that view and does not desire to have these powers made permanent. There is no question of these being made permanent because the original Act is not permanent. Mr. Basu referred to section 72 of the Government of India Act. That section only refers to Ordinances by His Excellency the Viceroy and does not concern the Ordinances of the Local Government. But apart from that, even if it is taken as an analogy, the wording of that section after some preliminary word is that any Ordinance so made shall be for six months from its promulgation and shall have the like forces of a law as an Act passed by the Indian Legislature. Taking the same analogy, the Ordinances passed by the

local legislature shall get their power from being authorised to have the like power of a law as an Act passed by the local legislature for a short time.

Mr. SHANTI SHEKHARESWAR RAY: On a point of order, Sir. There can be no local Ordinances.

Mr. E. C. ORMOND: I stand corrected, Sir. Any Ordinance or Act which the local legislature has passed, that is, what I referred to. My point is that these Ordinances have not been given more than temporary forces for a certain period, because they have not been sanctioned by the legislature, whether local or central, and the only question now before the House is whether the Council will sanction these powers as an Act of the local legislature. Therefore, the question whether an Ordinance previously existed or not or how long that Ordinance previously existed is entirely immaterial.

Reverend B. A. NAG: I believe that this law being a temporary one need not hurt anybody. For, if the criminals cease to be criminals, any law in reference to them becomes a dead Act. If the terrorists will cease to be terrorists, and if we, members of this Council, will exert our influence to stamp out terrorism from this land, probably in less than a year's time this will be a dead Act even if it is passed. Because if there is no terrorism, if there are no terrorists to tackle with by this Act, there will be no sphere, even if it be in the statute, for its action. That is my first appeal. It is not by transferring the portfolios but it is by exerting ourselves, exerting ourselves, as Mr. Bannerjee said the other day, in our families, in our private meetings that we may contribute towards the stamping out of this terrorist movement.

Sir, Mr. Mookerjee has referred to the question of unemployment. I believe we are becoming quite conscious that unemployment is contributing to terrorism, because these unemployed people have nothing to lose. Their minds are very fertile soils for all sorts of poisonous seeds and they may easily become terrorists for they have nothing to lose. But having admitted that, I do not believe that any Government, —I hope Government will make an earnest attempt to solve the problem of unemployment—I do not think any Government in the world can solve the question of unemployment within a year. I take it that Mr. Mookerjee's argument comes to this—that only by solving the problem of unemployment the terroristic movement can be stamped out. My proposal is that this Bill will deal with those who are terrorists in the meantime and I support the idea that attempt should also be made in the meantime to solve the problem of unemployment. I, therefore, oppose the amendment. Some of my friends have said that such Acts have not eradicated terrorism. Probably not. The

Indian Penal Code has not eradicated theft or murder nor will this Act eradicate terrorism. But he will be a bold man who will say that such an Act will in no way check terrorism.

As some of my friends have said, when these terrorists are dealt with firmly, there is less of terrorism in the land. However that may be, nobody will say that this Bill will be an incentive to terrorism. If it is not an incentive to terrorism, if it is a probable check upon terrorism, I do not see any need to oppose the passing of this Bill and I see every reason why we should oppose the amendment before us.

With these words, Sir, I oppose the amendment.

[At 4 p.m. the Council was adjourned for prayer, and it reassembled at 4-15 p.m.]

The Hon'ble Mr. W. D. R. PRENTICE: I think there is considerable misunderstanding about the effect of these amendments. Mr. Tamizuddin Khan, when he was speaking, expressed the opinion that if these amendments were accepted, the effect would be that after one year the existing Act would be revived. Now that is entirely wrong. For, if you look at the clauses of the Bill, you will find that we substitute one thing for another; the Bill is not at all in the shape that for a period of one year something should be substituted for something else and after that period the original Act should be revived, but that once we substitute the present Act by this Bill, the present Act dies, and this is the advice given by expert lawyers. If the amendment is carried, at the end of one year this Act dies and there will be nothing to revive. In fact, it would mean that we should either have to go on with the Bengal Criminal Law Amendment Act *minus* certain sections or we should have to come to this Council again to pass something to put into the blank, which will inevitably occur one year hence. That is the position. Let there be no misunderstanding. If this amendment is carried, the effect will not be that after one year the present Act will be revived, but rather its effect will be that those sections in the present Act will die and the new clauses which I am asking the Council to pass will also expire, and we will again have to come to the Council to pass legislation to fill in those blanks. That is what the legal position would be.

If that is so, what do we gain? Last year when you passed that Bill, you gave us powers for five years. If you accept this amendment, the effect will be that the operative section of the Act, section 2, supposing our new clauses are accepted, will be dead a year hence and the new clauses will also be dead a year hence. Then we should have no power to deal with terrorism unless we come to this Council again.

Mr. NARENDRA KUMAR BASU: Why not?

The Hon'ble Mr. W. D. R. PRENTICE: Of course if this Council desires an annual debate about measures to deal with terrorism, that is another matter, but I do not really think that is the real desire of the Council. The Council will realise that we are not dealing with a menace that exists for a few months and then dies but with a continuous menace going on for years and as I told the Council the other day, some of the leaders are devising things a long time ahead; it is not a question of devising things for a year.

I would ask the Council to reject the amendment, because if passed, it will have the effect which I have specified, and further it will go to show that the Council is now willing to give us effective powers for one year only instead of what they gave us last year for five. On the other hand, supposing things do improve, what will be the position? As I said when dealing with the Bill last time, "if I am wrong and Babu Satish Chandra Ray Chowdhury is right, the movement dies out, the Act will not be used at all and will die a natural death." What I ask you to do is to give us this weapon for dealing with a continuing menace. Yesterday Dr. Naresh Chandra Sen Gupta made a long oration and talked about the means of co-operation and about the means of dealing with this menace. I listened with the utmost eagerness to hear what he had to suggest, but by the time he had finished, he had nothing useful to suggest save weaning away the terrorists and how that was to be done he did not deign to explain.

Mr. Syamaprosad Mookerjee has talked about the State Aid to Industries Bill and unemployment and Mr. B. C. Chatterjee has given his view that they are of no use. We do not say we like this measure of repression, but we say that it is the only measure for dealing with this menace that anybody has been able to devise, and nobody will be more thankful than Government if the gentlemen who criticise will come forward and give us definite workable proposals for dealing with it; we will welcome their assistance, and if these proposals are workable and prove effective, the need for the Act and this Bill will disappear, and there will be no question of one or two or three years. The menace will be gone and the Act for dealing with it will disappear too out of sheer inanition.

Mr. PRESIDENT: I should like to say that I am giving preference to Mr. Mookerjee's amendment, because the other one moved by Mr. Roy is rather indefinite and I think there is no objection to have the issue decided by the fate of that motion.

The motion of Mr. Syamaprosad Mookerjee was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Bakeh, Maulvi Syed Majid.
Banerji, Mr. P.
Basu, Babu Jatindra Nath.
Basu, Mr. Narendra Kumar.
Bose, Mr. S. M.
Chatterjee, Mr. B. C.
Chaudhuri, Babu Kisheri Mohan.
Dhaudhuri, Dr. Jogendra Chandra.
Choudhury, Maulvi Nural Absar.
Chowdhury, Maulvi Abdul Ghani.
Dutt, Rai Bahadur Dr. Haridhan.
Fazlullah, Maulvi Muhammad.
Ghose, Dr. Amulya Ratan.
Hakim, Maulvi Abdul.
Hashemy, Maulvi Syed Jalaluddin.
Hoque, Kazi Emdadul.
Khan, Maulvi Tamizuddin.
Law, Mr. Surendra Nath.
Malti, Mr. R.
Mookerjee, Mr. Syamaprosad.
Nag, Babu Suk Lal.
Poddar, Seth Hunuman Prosad.
Rahman, Maulvi Azizur.
Rai Mahasai, Munindra Deb.
Ray, Babu Amulyadhan.
Ray, Babu Nagendra Narayan.
Ray, Mr. Shanti Shekhareswar.
Ray Choudhury, Babu Satish Chandra.
Rout, Babu Hemoni.
Ray, Babu Satyendra Nath.
Ray Choudhuri, Babu Hem Chandra.
Sahana, Babu Satya Kinkar.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.
Sircar, Dr. Sir Nilratan.

NOES.

Armstrong, Mr. W. L.
Austin, Mr. J. M.
Bai, Babu Lalit Kumar.
Bai, Mr. Sarat Chandra.
Barma, Rai Sahib Panchanan.
Bartley, Mr. C.
Bazly Uddin Khan Sahib Maulvi Mohammed.
Birkmyre, Mr. H.
Blandy, Mr. E. N.
Bottomley, Mr. J. M.
Burai, Babu Gokul Chand.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chaudhuri, Maulvi Syed Osman Haider.
Cohen, Mr. D. J.
Coppinger, Major-General W. V.
Cooper, Mr. C. G.
Dain, Mr. G. R.
Eusufji, Maulvi Nur Rahman Khan.
Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur.
Fawcus, Mr. L. R.
Forrester, Mr J. Campbell.
Gangali, Rai Bahadur Sunil Kumar.
Ghose, the Hon'ble Sir B. B.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gilchrist, Mr. R. N.
Guha, Babu Profulla Kumar.
Guha, Mr. P. N.
Gurner, Mr. C. W.
Hopkyns, Mr. W. S.
Hossain, Maulvi Muhammad.
Hussain, Maulvi Latafat.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Kerr, Mr. W. J.
Khan, Maulvi Amin-ur-Zaman.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Mr. Razaur Rahman.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Miller, Mr. C. C.
Momin, Khan Bahadur Muhammad Abdul.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Mullick, Mr. Mukunda Behary.
Nag, Reverend B. A.
Nandy, Maharaja Sris Chandra, of Kasimbazar.
Nazimuddin, the Hon'ble Mr. Khwaja.
Norton, Mr. H. R.
Ordish, Mr. J. E.
Ormond, Mr. E. C.
Philpot, Mr. H. C. V.
Prentice, the Hon'ble Mr. W. D. R.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Ray Chaudhuri, Mr. K. C.
Ross, Mr. J.
Roy, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Roy, the Hon'ble Mr. Bijay Prasad Singh.
Sarkar, Sir Jadunath.
Sarker, Rai Sahib Rebati Mohan.
Sulaiman, Maulvi Muhammad.
Wilkinson, Mr. H. R.
Wordsworth, Mr. W. C.

The Ayes being 37 and the Noes 65, the following motion was lost:—

"That to clause 1 the following words be added, namely:—'and shall continue in force for one year from the date of its commencement.'"

The motion of Babu Satyendra Nath Roy was not put as it was covered by the foregoing decision of the Council.

4-30 p.m.

Mr. PRESIDENT: The question is that clause 1 stand part of the Bill.

The motion was put and agreed to.

Clause 2.

Mr. PRESIDENT: The question is that clause 2 stand part of the Bill.

The Hon'ble Mr. W. D. R. PRENTICE: I beg to move that in clause 2, lines 1 and 2, for the words "in sub-section (*1*) of section 2 of the said Act for the words beginning" the following be substituted, namely—

"In sub-section (*1*) of section 2 of the Bengal Criminal Law Amendment Act, 1930 (hereinafter referred to as the said Act), for the words beginning with."

This is merely a drafting amendment which I am advised is necessary in order to make the meaning clear.

The motion was put and agreed to.

Babu SATISH CHANDRA RAY CHOWDHURY: I beg to move that in clause 2, in line 6, the words "in the opinion of" be omitted and after the words "Local Government" the words "on being satisfied after a due inquiry and after hearing the explanation of any person that" be inserted, and in line 7 for the word "any" the word "such" be substituted.

Sir, although I think my amendment is an eminently reasonable one, and one worthy of acceptance by the Hon'ble Member, I have little courage for moving it having regard to the attitude of the official block. This reminds me of those words in the memorable report of the late Mr. Montague about the character of the Council before the reforms. Those words were: "The official obligation to vote with the Government in an Indian Legislative Council is continuing, and is not made palatable by any necessity of securing an irremovable Government from demise.

These factors contribute to the unreality of the proceedings because the issue is often known beforehand, the debates lack life, etc., etc."

The position is the same as before, although we are now working the very reforms which were introduced by the late lamented Mr. Montague. The melancholy posture of his statue within the compound of this Council House seems to indicate as if he is brooding over the results of his own labours—that although the reforms have been introduced the position is the same as before, and the "caravan passes on although the dogs bark". That being the position, I have little hope of carrying my motion through; but I hope that my colleagues will feel impressed that I have not brought this amendment simply to make a show or a speech.

Sir, section 2 of the original Act, which is sought to be amended was intended to meet the cases of persons who had shown certain activities against Government and regarding whom Government was satisfied that they were members of an association whose activities were illegal or of a doubtful character. Now, Sir, under the main Act three things were necessary to move the Government to take action, viz., (1) some act or preparation to act on the part of the man proceeded against; (2) he must be a member of an association; and (3) Government must be satisfied as to his being such a member. The Ordinance did away with conditions (1) and (2). Government need not be satisfied, before proceeding against a person, that he is actively proceeding against Government. Now, if in the opinion of Government a person is a member of an association of which the methods include certain things—the word "include" is important—the man may be proceeded against. The association may have other very laudable objects of public benefit, but that does not matter. A member of that association, whether he is personally engaged in any activities or not, has got to be proceeded against under the Ordinance. Now, look at the dangerous character of the section. Suppose there is a society started for certain laudable objects—for instance to give relief to sufferers from flood or famine under some innocent auspices—and run by certain persons whom the police suspects of being engaged in undesirable activities. They come to me for subscription and lending my name to the association. I do so knowing the object to be a laudable one and then take no notice of it. Now, some time afterwards without declaring the association unlawful, Government—meaning Mr. Prentice—is of opinion that I am a member of the Association—although there are no activities on my part—and therefore I should lose my liberty. No evidence of my activities will be required or inquiry made regarding them. It is sufficient that my name is on the list of the association so I should lose my liberty at once. I may say that Government often forms their opinion on unsatisfactory information. They issue *communiqués* on such information. It is known what the value of a Government *communiqué* is. We have

a glaring instance of the untrustworthy character of a Government *communiqué* in the first *communiqué* issued after the Hijli incident when two prisoners were done to death, and there must be more instances where the opinion of Government was based on no better information than this. Because certain persons of an association have some doubtful activities, is it any reason that all the members of that association should lose their liberty? This is the effect of the Ordinance. The Ordinance as a matter of fact took away whatever little safeguard there was in the original Act. Now "satisfaction" of Government is not necessary—the opinion of Government—in other words the opinion of Mr. Prentice—is sufficient. I do not want to make any drastic change but I certainly want that the Government, in other words Mr. Prentice, should be satisfied on the facts produced. Mr. Prentice, who is a very industrious Member no doubt, has assured us often times that he himself examines and goes through all the records carefully, and he takes pride in saying that Judges seldom differ from him. May I remind him of the hollowness of his argument? Supposing the first information report and the police report on a criminal case are placed before the members of this House on the basis of which to decide the guilt or innocence of the accused; is it possible that there would be any difference of opinion on such materials? It is not the fault of Mr. Prentice, it is not the fault of the Judges who decide on the materials placed before them, because it is not possible for them to come to a different conclusion. On the contrary, what happens in ordinary cases tried according to ordinary Law? 20 to 50 per cent. of the judgments are set aside on appeal, because there is room for difference of opinion, and full materials are available. So I say there is not much substance in this argument.

I do not charge the Hon'ble Member with being intentionally unjust to these men or with intentionally putting people under restraint; but I do say that it is not fair to take action on mere police reports. I submit that in spite of your best intentions and efforts to do justice what happens is quite the contrary. Sir, the working of the Ordinance has resulted in great injustice in many cases.

Sir, I have heard from those who happened to be present at the trial of Bina Das of the statement made by her in Court. In that statement, I am told, there is a passage that Bina Das's sister Kalyani Das was arrested and convicted because the Government was of opinion that Kalyani Das was a member of a certain association which, according to Bina, was false. She considers that her sister was innocent and her conviction preyed on her mind. She brooded over this incident constantly which was due to a blunder on the part of Government. But for this perhaps the history of Bina Das's life might have been differently written. This is one instance. There may be many other cases, but I do not wish to multiply them.

4-45 p.m.

Sir, I cite that case simply by way of illustration. I now pass on to a more concrete fact; and that is what is found in the answer to a question put by Mr. Hashemy the other day. The Hon'ble Mr. Prentice told us that the arrests under the Criminal Law Amendment Act during one year before Ordinance No. IX was issued totalled 355; whereas since the issue of the Ordinance on the 29th October last, i.e., during the last three months the number is 290. So practically the number is almost equal to that of one year.

Now, Sir, it is no longer a question of a man actually doing something but of his going to do something. If he shows activities which in the opinion of the Government seem to be undesirable he is to be put under restraint. I submit, Sir, that this seems to me to be a dangerous innovation. If the rise in the figure of arrests had given a quietus to the terrorist movement, I for one would have guaranteed my support to the Government. Every body who has the good of his country at heart has got to be ashamed of the present state of things. What I want, Sir, is nothing more than a simple safeguard by inserting this amendment. Well, Sir, we hear nowadays so much of safeguards; we hear the friends of India incessantly speaking of safeguards. We also heard that the Round Table Conference was about to be wrecked on this question of safeguards—safeguards for the Army, for trade, for salaries, and pensions and so on. May we not also ask for a bit of safeguard when we come forward with a piece of legislation of this character? I know that the Government think that the powers are necessary. We should not forget that Government must have firmness, but I submit that with firmness there must be justice, as without justice firmness is nothing but barbarous and uncivilized rule. If you have simply firmness wihout justice then I think it will be impossible for anybody to go about his business. I would ask any member of this House whether it is not a breach of the provisions of the law to give any subscription to a society the ostensible object of which is the good of the country. But what happens generally is that for subscribing for such an object which includes many other things which may not be known to him a man stands the chance of being sent to any place far away from Bengal—it may be Cape Comorin or Trichinopoly. What I beg to submit is that the insertion of the words I propose would make the provision a bit less dangerous. I may submit to you a result of my own experience. There was a criminal case based on the association of certain individuals, certain college students, with some other persons who were perhaps undesirable. A C.I.D. officer reported the association of a particular boy with one of these undesirable people. Now, Sir, at cross-examination it transpired that the police officer simply saw the boy on the riverside at Mymensingh when there were probably thousands of people taking their constitutional when that particular

boy was found in a large crowd with the other boy who had really got something against him. After cross-examination the whole case tumbled down and the boy was let off. But what would have been the fate of the boy if a report of three respectable police officers had gone to the Hon'ble Mr. Prentice that the boy had been found to be associating with the other boy on different occasions? So, I say that as this provision is very wide, if it is to remain it should remain under proper safeguards, so that disaffection and distrust may not spread any further. Sir, you have got to see that distrust and disaffection do not spread beyond a limited circle. You cannot create a spirit of mutual goodwill and confidence under present conditions, and by the time the reforms are introduced nothing will be left which will create that spirit of goodwill and trust which are the real foundations of a stable Government. Therefore, Sir, I hope that the Hon'ble Mr. Prentice will see his way still to accept my amendment. I know he requires firmness to eradicate the evil of terrorism, but what I want is that justice should go along with firmness. With these observations I commend my amendment to the acceptance of the House.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I must confess that I am not very much in sympathy with this amendment, because the only amendment of this class which I can bring myself to accept would be an amendment of the whole thing, lock, stock and barrel. Well, this House will remember that in the Bill, the new Bill, that has been introduced this is the most important operative section for the purpose of bringing within the mischief of the Criminal Law Amendment Act persons who are not, shall I say, kinetic terrorists, but potential terrorists, that is to say, persons who may be suspected to be drifting into terrorism. This section is designed to enable the Government to cast their net over such persons. Such a dangerous extension of powers cannot in any manner be affected by the alterations suggested by Mr. Satish Chandra Ray Chowdhury. I thoroughly appreciate the motive which has impelled my hon'ble friend to move the amendment. I appreciate his spirit, as a lawyer he is actuated by a faith in the reign of law to which we have been accustomed for a century. He believes that the putting in of these words in this Act it would operate as a safeguard. The words would have been very effective if this Act were ever to come up before a court of law for interpretation and administration; but my friend forgets that the courts of law will never have an occasion to look at it, far less to interpret it or administer it. That being so, it is absolutely idle to insist that there must be this amendment. I am sure that the Hon'ble Mr. Prentice will say that in every case there is an inquiry and even that before any order is passed the person concerned is given an opportunity of explaining himself. The Hon'ble Mr. Prentice will also say that in every case the person suspected is given an opportunity of explaining himself, though what the

nature of the opportunity given is and how far it enables him to clear himself of the charge we are not in a position to judge and nobody will ever be in a position to judge, because those things will be done in camera and no court of law would know anything about them. Well, that being so, this amendment would seem to be absolutely useless. Besides that, my hon'ble friend seems to proceed altogether on an erroneous assumption or I may say on an archaic assumption, that we are seeking by this law to protect, to safeguard the liberty of the subjects. I must say that for some time past that notion that law gives liberty to the subjects has become ancient and archaic. We are not here to protect the liberty of the subjects. This Bill does not propose to do anything of the sort. It proposes to make the maximum amount of encroachment on the liberty of the people on the least possible pretence, that is to say, to arm the Executive Government with the full power to throw into prison anyone that it suspects of any intentions against the Government. Well, in such a Bill an amendment of this character is an anarchronism and it is a contradiction. Therefore, Sir, I do not think that any useful purpose would be served by this amendment. I must say that we must oppose this Bill, clause by clause, to the best of our power, but it would be as futile to expect to improve this Bill, as to use the familiar expression "to paint the lily." It cannot be improved; it is designed in such a manner that the net must be cast as wide as possible to bring into its meshes everybody. Well, that being the nature and extent of the Bill, we ought not to have anything to do even in the way of improving the Bill. The Executive Government has chosen its own path and it will go along its own path. Well, the Government has asked for co-operation on its own terms and if co-operation is not forthcoming on those terms it will go on its own way.

5 p.m.

Sir, the Hon'ble Mr. Prentice has challenged me to show him some other way. I am glad to find that wisdom has come to him so late. I have been in the land of the living for the last year or more, I was accessible to him, my address was available to him. Before he adopted this course on the advice of some persons did he think it advisable to invite my opinion, or the opinion of any member of this Council? (A VOICE: Why did you not offer?) I did not offer, I am not in the habit of offering co-operation where it is not wanted, where it is known that co-operation is not wanted, where the man to whom I would offer co-operation looks upon me as an enemy to be avoided. I have greater self-respect, I cannot go on licking the dust of Writers' Buildings on every conceivable occasion——

Mr. PRESIDENT: You must take that back.

Dr. NARESH CHANDRA SEN GUPTA: I am sorry, I was put off the rails by this interruption. I can assure Mr. Prentice that I have no ready made Holloway's pills, no brief panacea for all ills. It is not a question of a single thing, it is a question of an entire policy, and if on that policy Mr. Prentice really wants the advice of this Council, he is welcome to invite it and it will be forthcoming. But it will be a policy which will involve a change in the tone and the temper of the Government, in the heart and the soul of the Government, in the methods and objectives of the Government. If that be forthcoming, we shall not be wanting in co-operation. Sir, in my own humble way, and with my own humble resources, I have been trying to fight terrorism. Mr. Prentice may be unfamiliar with the efforts of many in this country to counter the evil of terrorism, but I may tell him that there are some such people, and that your humble servant is one of them. If he had been familiar with my writings he would find that I have been carrying on this campaign against terrorism for years. But my methods and objectives happen to be different, and there was very little in common between me and my methods and Government and its methods. There is very little room for real co-operation until that great change in the heart and soul of the Government is forthcoming, and all talk of co-operation in this Council is absolutely futile. There can be no co-operation by offering ready made suggestions in the shape of Ordinances to fight terrorism. Under the circumstances, the only alternative is to oppose the Bill *in toto*.

The Hon'ble Mr. W. D. R. PRENTICE: I was listening with great interest to Mr. Ray Chowdhury's speech, for I wanted to know exactly what he meant by the word "inquiry" in his amendment. But he was careful enough not to specify what he meant by that word, and as for his other suggestion about taking an "explanation" he never referred to it at all.

After all, this is the crux of the amendment? What does he mean when he proposes an inquiry? Mr. Ray Chowdhury never explained what he meant by that word, but I have always explained, on the other hand, that no order is ever passed without holding an inquiry. The explanation of the person concerned is taken and recorded in writing.

Babu SATISH CHANDRA RAY CHOWDHURY: Is it taken after his arrest, or before his arrest?

The Hon'ble Mr. W. D. R. PRENTICE: After his arrest as a rule; it all depends whether he has been arrested or not. Naturally we cannot take his explanation until he is present before us, and therefore as a rule he is arrested under section 4 (*1*) and detained in custody for a period not exceeding one month, during which period his explanation is recorded and the points raised by him are inquired into. There

is no court sitting, witnesses are not examined and there is no cross-examination and things like that, but as I have always explained there is an actual inquiry by Government in every case though not in judicial form, and if you will look at the Rowlatt report you will find that they expressly ruled out any judicial form of investigation.

Mr. Ray Chowdhury wants to make alterations in the wording of the section, by omitting the words "in the opinion of". If he goes back to Acts of 1924, 1925 and 1930, he will find the same wording in all those Acts. It is true that the words "if it is satisfied" do occur in the second portion of the existing section 2 (*1*) which we propose to amend, but he will also find at the beginning of section 2 (*1*) the same words "in the opinion of the Local Government," and I can assure you that the Local Government does not come to its final decision until it is satisfied.

Babu SATISH CHANDRA RAY CHOWDHURY: Why do you change the wording which was in the original Act?

The Hon'ble Mr. W. D. R. PRENTICE: I have not changed it. If you will look at the Ordinance, you will find that the opening words remain the same: it is only the omission of the old (*i*) (*ii*) and (*iii*) of section 2 (*1*) and the rearrangement of the contents that have made the omission of the words "it is satisfied" necessary, and the latter portion of the section has been left as it is.

Then Mr. Ray Chowdhury made a play with the word "association". I think he knows just as much English as any of us and enough to realise that the Council is not misled by his argument. Obviously, the word "association" is not meant in the way he has used it, that is, of boys walking along a river's bank. Mr. Ray Chowdhury knows enough to realise that that is not the meaning of the word "association" at all as used in the Bill. In the sense in which it appears in this clause it means a united body of people, not the physical act of association, and that leads me on to his last point. He suggests that any person who happens to be associated with other persons for the purpose of famine relief, may, under this clause, be arrested and sent to Cape Comorin. He forgets that the only association that is dealt with in this clause, is an association of which the objects and methods include the commission of an offence included in the First Schedule. The word "include" is the same as appears in the original clause of the Ordinance. There is no alteration in that. The object of such an association of which he is a member, must be criminal, and unless it is criminal, he will not be liable to be dealt with under this clause. So the members of the association referred to by Mr. Ray Chowdhury will not be liable to be dealt with under this Act.

I do not think I need follow Dr. Naresh Chandra Sen Gupta in his statement about co-operation of the Council. I will deal with that

separately. I can assure Dr. Sen Gupta that our object is the same, our aim is the same—the restoration of peace in Bengal. I shall write a letter to him asking him to come and see me and to produce his scheme, which he says will bring about that peace, and I will be very glad to get it.

I am afraid I cannot accept the amendment because as I say, the object of it has not been explained, and it has not been shown that it introduces anything which does not already exist in the procedure which is followed.

The following motion was then put and lost:—

"That in clause 2, in line 6, the words 'in the opinion of' be omitted and after the words 'Local Government' the words 'on being satisfied after a due inquiry and after hearing the explanation of any person that' be inserted, and in line 7 for the word 'any' the word 'such' be substituted."

5-15 p.m.

The following motion was called but not moved:—

Maulvi SYED JALALUDDIN HASHEMY to move that in clause 2 proposed clause (*ii*) of sub-section (*1*) of section 2 be omitted.

Mr. PRESIDENT: The question is that clause 2, as amended, stand part of the Bill.

The motion was put and agreed to.

Clause 3.

Mr. PRESIDENT: The question is that clause 3 stand part of the Bill.

Babu SATISH CHANDRA RAY CHOWDHURY: I beg to move that in clause 3 (*1*) in line 3 from the bottom the words "so far as they can be made applicable" be omitted.

Sir, this Bill authorises the investigating officer to make searches and the object of my motion is to make such searches as much legal and as much above suspicion as possible. In the interests of those who will have the working of this Act, I think this amendment should be made. The Criminal Procedure Code lays down elaborate provisions with regard to searches, and there is no harm in following that

procedure. I do not think that I need adduce any more argument as to why such loopholes should not be made into the provisions of the Criminal Procedure Code. In these important circumstances, I commend my motion.

SECRETARY to GOVERNMENT, JUDICIAL DEPARTMENT (Mr. C. Bartley): Sir, on behalf of Government, I beg to oppose this amendment. In the first place, may I point out that in the original Act of 1930, there was no provision which made the Criminal Procedure Code applicable to searches carried out by police officers under section 4 of the Act. In this respect, the amending Bill actually supplies the omission in the original Act of 1930. As the law at present stands, the provisions of the Criminal Procedure Code in regard to searches shall be applicable so far as possible not only to the case of arrests under section 8 of the Act but also in the case of searches made under section 4. Under the new provisions, the police officer is authorised to make a search although he has not himself actually made the arrest. The result of this is that in all ordinary cases, the Criminal Procedure Code is made applicable to searches under the Criminal Law Amendment Act, that is to say, police officers acting under the provisions of the Criminal Law Amendment Act have to follow the provisions of the Code and are bound to act as far as they possibly can in accordance with these provisions. Now the main provision on which affects such searches is that two respectable inhabitants of the locality shall be present as witnesses of every search. That is a very salutary provision and the amending Bill makes it applicable to searches made under the Criminal Law Amendment Act. But it must be remembered that some provision must be made for rendering it impossible that searches should be infructuous because of the inelasticity of the law. Take, for example, the case of an officer who is entrusted with the search of a house in the jungles of Chittagong—a thing which might happen any day. Should the Criminal Procedure Code be made applicable in every case, this officer will be bound to find two respectable inhabitants of the locality to witness the search. While he is doing this, there is every possibility that some of the less respectable inhabitants of the locality would find an opportunity for removing the very things which the search was meant to discover. It is for that reason and for that reason only that it has been found necessary to allow a small amount of elasticity in regard to the Bill. While emphasising the fact that in all ordinary cases the procedure laid down in the Criminal Procedure Code must be carried out, the Bill, as it stands, does give a certain amount of latitude for the purpose of preventing the possible defeat of its own objects. If the amendment is accepted, even that amount of elasticity will be done away with and for that reason the amendment must be opposed.

The following motion was then put and lost:—

"That in clause 3 (*1*) in line 3 from the bottom the words 'so far as they can be made applicable' be omitted."

The following motion was called but not moved:—

"**Babu SATISH CHANDRA RAY CHOWDHURY** to move that after the words 'this sub-section' in the last two lines of clause 3 (*1*), the following be added, namely:—

'There shall be present at the search as witnesses at least two persons from the respectable and independent neighbours unconnected with the police.' "

Mr. SYAMAPROSAD MOOKERJEE: I beg to move that sub-clause (*2*) of clause 3 be omitted.

Sir, I would just draw the attention of the House to the provision which I want to be deleted from the Bill. Sir, under section 4 of the Bengal Criminal Law Amendment Act, 1930, any officer of the Government authorised in this behalf may arrest without any warrant any person against whom a reasonable suspicion exists that he is a person in respect of whom order might issue under sub-section 1 of section 2. Now, Sir, there is a proviso in this section which lays down that no person shall be detained in custody under this section for a period exceeding 15 days save under the special orders of Government and no person shall be detained in any case for a period exceeding one month. Under the impending Bill, it is proposed to increase this one month's period to two months. Sir, the Hon'ble Mr. Prentice may perhaps express his surprise as to why any member should bother himself about curtailing the right of Government to detain a person to the extent of two months when unlimited powers have been given to Government to detain a person as long as it chooses. Sir, it may seem ridiculous at first sight but there is a solid reason why I move this amendment and that is that my proposal is in the interest of Government itself. There is no reason why you should take two months before issuing the final orders on any case. We have got the assurance of the Hon'ble Member that in every case an elaborate inquiry has to be gone through before any person is ordered to be detained under any of these Ordinances. That elaborate procedure was described to us in minute detail a few weeks ago when we were discussing the motion for adjournment. If that is really the case, I see no reason why Government should ask for powers to keep a person detained without passing final orders on the case for as long a period as two months. I have just said that I am moving this amendment in the interest of Government. The interest comes in this way. Supposing there are some persons who are really

innocent who have been arrested without sufficient reasons; after two months Government decides that these persons should be let off. Sir, the shorter the period of detention at this stage, the lesser the possibility of such a person being unnecessarily detained and what is more being turned into a "potential terrorist." It is desirable that all inquiries are made as early as possible before the emergency powers are exercised under section 4. With these few words, Sir, I move my amendment.

The Hon'ble Mr. W. D. R. PRENTICE: I would like to explain that this amendment has been made in the Act to meet the difficulties that in practice have arisen. It is not the intention of Government to keep people detained for two months. But there are occasions when it is a physical impossibility to get all the cases through within one month and such an occasion arose under the Ordinance when a large number of arrests were made about the same time, and the cases came up for final orders in December last when the Christmas holidays were on.

Mr. SYAMAPROSAD MOOKERJEE: Can the Hon'ble Member give an assurance that Christmas will not intervene within a period of sixty days?

The Hon'ble Mr. W. D. R. PRENTICE: On behalf of the Local Government I can give this assurance that in normal cases the present period of one month will be applicable. We only wish to have this provision of two months available for exceptional cases. As I have said, there was such an occasion in December last when of course we could have rushed through the cases and passed orders in a hurry. But because we wanted to have the inquiries as thorough as possible, we found it physically impossible to complete everything within one month. Therefore we ask for this latitude and I give an assurance that it will be applicable only to exceptional cases.

Mr. SYAMAPROSAD MOOKERJEE: Sir, may I put a question to the Hon'ble Member? Instead of keeping them detained for two months, why not release them after the expiry of one month, and if there is sufficient evidence against them, why not arrest them afterwards?

The motion that sub-clause (2) of clause 3 be omitted, was then put and lost.

Mr. PRESIDENT: The question is that clause 3 stand part of the Bill.

The motion was put and agreed to.

5-30 p.m.

Clause 4.

Mr. PRESIDENT: The question is that clause 4 stand part of the Bill.

The following motion was called but not moved:—

"**Mr. P. BANERJI** to move that in clause 4 in proposed sub-section (2) of section 6 for the word 'non-bailable' in line 3 the word 'bailable' and for the words 'a warrant' in line 4 the word 'summons' be substituted."

Mr. PRESIDENT: The question is that clause 4 stand part of the Bill.

The motion was put and agreed to.

Clause 5.

Mr. PRESIDENT: The question is that clause 5 stand part of the Bill.

Babu SATISH CHANDRA RAY CHOWDHURY: I beg to move that in clause 5 in proposed section 12 in line 4 the words "or in kind or both" be omitted.

From my personal experience I know that it would cause very great hardship if by the present Act such an improvement upon the Ordinance itself is made. Under the Criminal Amendment Act detenus are supplied with money in cash, and now it is sought to be made in kind. I know from my personal experience as a jail visitor that there are the greatest complaints on the subject of food and foodstuffs by the prisoners, and no wonder, for the food that is supplied to them is most execrable. People who go to jail for political offences belong to a class different from the ordinary criminals and they do not like to eat food boiled in the same cauldron and naturally they would like to have separate arrangements made for their food. So far as the Mymensingh Jail is concerned, I impressed on the Superintendent of the jail why the prisoners wanted to be allowed to cook their own food separately and if this was done, it took away a great deal of their complaint. But now, Sir, the ordinary rule is sought to be extended to the detenus. I am sure this will create great trouble and the Hon'ble Mr. Prentice is sure to receive a great many complaints on this score. I do not see any reason why the present law should be changed and why there should be an improvement even upon the Ordinance which it is to replace. Let the detenus have their allowances and let them cook their

own food in the way they like and take whatever they like, and let not Government add fresh grounds for their complaints. If Government accept my amendment, I am quite sure it will save them a great deal of trouble.

Maulvi SYED JALALUDDIN HASHEMY: Sir, we have already swallowed the bitterest of pills and I can assure you that we shall have to swallow the remaining pills; yet I rise to support the motion that has been moved by my friend, Mr. Ray Chowdhury. And the reason for my speech is obvious. In this connection if I quote the very wise words uttered by Mr. A. K. Fazl-ul Huq, I hope they will not be out of place. Among his numerous wise utterances he said the other day that we, the 39 Moslem elected members of this Council, were 39 bi-cycles of Mr. Prentice. Sir, I do not agree with him and in order to show that I am not a bi-cycle of Mr. Prentice, I rise to speak on this occasion.

Sir, to-day I rise to speak on this motion with a spirit of conciliation, and I would very seriously ask the Hon'ble Member what he means by the words "in kind." Does he propose that the detenus will be supplied with two maunds of paddy which they will have to husk for their own food? Or does he propose to supply them with clothing from the firm of Messrs. Whiteaway, Laidlaw & Co. or indent for them *dhotis* from Manchester? I do not exactly follow the words "in kind." You detain persons for an unlimited period of time without trial and give them 30, 40 or 50 rupees a month and you are not even satisfied with that; you have also proposed to transfer them to other provinces. These people who used to have their food and clothing in their own way—the Hon'ble Member wants to change that even, and proposes to give them an allowance in kind. If the Hon'ble Member will be pleased to define the words "in kind" and tell us what he really means, then we will consider our position. While we were in the Alipore Central Jail, we were placed in division III—we proposed to Government that the diet supplied to us should be according to the law and we should be allowed to cook our food according to our choice and taste, but that was not conceded to us. Sir, there are detenus in Buxa, Hijli and other places. Is it meant that stores will be opened and contractors will supply things to these detenus according to their own choice and taste and the choice and taste of the detenus will not be considered? The detenus at Buxa, Hijli and other places generally indent for *khaddar* for their personal use; now, can it be the intention of the Hon'ble Mr. Prentice to stop *khaddar* from being used by these detenus? We want to know the position clearly. If the Hon'ble Member will definitely explain the motive that is behind this simple change, probably we will not oppose, but if he cannot satisfy us, we should have to press the amendment as usual.

The Hon'ble Mr. W. D. R. PRENTICE: I may disabuse the minds of members of the Council by saying that this amendment of the Act is not intended in any way to harass the detenus. It has been forced upon us by the conduct of the detenus themselves, because what happens in camps is that there are messes and the detenus get allowances and they make indents for what they want and after the things are supplied, they are cooked by the cooks allotted to the messes in the way they desire. But unfortunately they take into their heads occasionally to go on strike and refuse to have anything to do with the arrangements for their food. All that we want is power to give the detenus rations when they refuse to feed themselves.

As regards *khaddar* and other things like that, there has been no interference whatever and we have endeavoured to give them what they want and not Manchester *dhotis* in place of *khaddar*. The revised clause is simply meant to meet the difficulty that arises by reason of the detenus refusing to carry on their messing system, and to look after the cooking of their own food.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to give an assurance to this House that this will be given effect to only in cases when such difficulties actually arise?

The Hon'ble Mr. W. D. R. PRENTICE: Under present circumstances that is all that is intended. I cannot say what circumstances will arise in future.

The following motion was then put and lost:—

"That in clause 5 in proposed section 12 in line 4 the words 'or in kind or both' be omitted."

Rai Dr. HARIDHAN DUTT Bahadur: I beg to move that in clause 5 in proposed section 12, line 5, after the word "support" the words "and medical treatment, if necessary, by private medical practitioners" be inserted.

In moving this amendment I must at the very beginning tell this House that our feeling about this Bill has been given expression to already. When I voted against the Bill, I did so because I was not in favour of the principle of the Bill. But at the same time it is our duty, as individual members of the Council, now that the Bill is going to be passed into law, to try to improve it so far as is practicable. In that view I rise to move this amendment. The Hon'ble Member may inquire how the refusal of private medical aid is interpreted outside. I shall at once tell him that I have often heard it said by the public, I may say a respectable section of the public, that this insistence of Government in not allowing medical treatment of these detenus by their own

medical men is for the purpose of ruining their health. I am sorry to mention this, but I have heard this said not by ignorant and illiterate people only but by people who can claim some education. Being a member of the medical profession myself I can never conceive that a man who has received his medical education in a University, or in a well recognized medical school, will stoop so low as to forget his duties to his patients and his profession, and poison or in any way ruin the health of persons entrusted to his care. So I feel disgusted to hear such insinuations from my countrymen against the medical men in the service of Government. I think it desirable to prevent this state of affairs. That is my motive, and I appeal to the Hon'ble Mr. Prentice that in dealing with the detenus Government should give them facilities to choose their own doctors. It is a very well known maxim that everybody has the right to choose his own doctor. But, here in India, the question is extremely difficult.

Mr. SYAMAPROSAD MOOKERJEE: But who will pay their fees?

Rai Dr. HARIDHAN DUTT Bahadur: I am coming to that presently.

5-45 p.m.

Here in India the question is exceedingly difficult. Here you have not only to choose a doctor, but also the kind of treatment you require, allopathic, homeopathic, *kaviraji*, *hakimi*, or any other kind. These are difficult problems, but Government ought to realise that unless some amount of latitude is given in the selection of medical practitioners for attending on ailing detenus, the illiterate and unreasonable sections of the people of the country will be led to believe that Government are forcing their own doctors on the detenus in order to ruin their health by administering slow poison or by some such means. So I say that Government in their own interests should allow the detenus to have their own doctors. (A voice: Who will pay their fees?) My friend inquires who will pay their fees. I know that private practitioners will have to be paid their fees. Well, I would ask the Hon'ble Mr. Prentice, which is better of the two evils—spending a certain amount of money for the treatment of detenus by private practitioners, or exposing yourselves to calumny, insinuation and misrepresentation, and the unpopularity brought about by the circulation of ugly rumours? Is it not better to pay a small amount as fees for private medical men and thereby protect your good name? I for myself feel that Government would be well advised if they allow the detenus to have the choice of their own doctors. I may cite an instance which occur to my mind. I remember the well known case of Mr. Subhas Chandra Bose. When Mr. Bose was detained in Burma, I heard from persons who were as

responsible as ourselves that Government was not looking after his health properly and the insinuation was that Government was trying to create a condition which would lead to his developing tuberculosis. In the end, Government asked Sir Nilratan Sircar, Dr. Bidhan Chandra Roy and another European doctor to examine Mr. Bose and give their report. Why allow such situation to be created? Why not allow the detenus to have their own doctors and prevent such a possibility? That is my motive for bringing forward this amendment and I hope I shall not be misunderstood.

Babu SATISH CHANDRA RAY CHOWDHURY: For one good reason I feel tempted to support Dr. Dutt's motion, although I know that there is not the ghost of a chance of his amendment being carried. I would relate the case of one Nagendra Chakravarty; a detenu who comes from my part of the country, although I do not know him, nor did I ever hear about him until I saw his case mentioned in the newspapers. I heard in Calcutta that he was suffering from gastritis or some such disease. He was in the Medical College where he was operated on by Dr. Mukherji. Before he recovered, however, he was sent to the Presidency Jail. At that time he was suffering from intense pain and constantly vomitting. Immediately afterwards he was sent to Hijli, but that is another story. He has again been brought here and is lying in the Campbell Hospital in Cabin No. 2. I say this for the information of the Hon'ble Member. That detenu is not being allowed to be attended to by either students or nurse, but by coolies. The matter was reported to me and I took the opportunity of going over to the hospital and seeing him. I found that the case was deserving of consideration and I told the Deputy Secretary, Political Department, whom I saw, that his wife should be allowed to nurse him. But I was sorely disappointed. I was referred to the Superintendent of the hospital. Not that he was rude to me—on the contrary he was very courteous. He told me that Dr. Mukherji was attending on him and would make an operation. He was so seriously ill that even if he were operated on, he was not likely to survive. He should be allowed to have his wife by him. If he had been allowed the services of a private practitioner, nobody could say anything. I think that with a view to protecting itself against all sorts of false reports, if not for anything else, the Hon'ble Member should accept this amendment.

The Hon'ble Mr. W. D. R. PRENTICE: I am sorry to disappoint Mr. Ray Chowdhury. I do not think he really expects me to believe all these stories he has heard.

Mr. SATISH CHANDRA RAY CHOWDHURY: I wanted to place the stories as I had heard them before the Hon'ble Member.

The Hon'ble Mr. W. D. R. PRENTICE: If it will satisfy Mr. Ray Chowdhury, I will look into the papers of the detenu he has referred to.

To get back to the amendment: I am surprised to hear what Rai Dr. Haridhan Dutt Bahadur says about the circulation of these calumnies, that Government ruin the health of detenus with the help of their doctors. I would assure the members of this Council that the treatment meted out by the detenus to the doctors is at times appalling and the doctors have to work under a great disadvantage. The treatment which is given by the detenus in the detention camps to the medical staff of the camps is not what one would ordinarily expect from the class of persons to which these detenus usually belong. I have seen myself two camps and I have seen the way in which the doctors treat these detenus. These doctors are carefully selected and do their work well, and there is no ground at all for spreading calumnies——

Rai Dr. HARIDHAN DUTT Bahadur: I have never said that. I have been misunderstood from the very beginning. I never said anything calumnious about these doctors. What I said was that people ascribe these things to the doctors and I protested against these calumnies.

The Hon'ble Mr. W. D. R. PRENTICE: I do not know what Dr. Haridhan Dutt means. I heard him saying something about doctors ruining the health of detenus.

Rai Dr. HARIDHAN DUTT Bahadur: That is a calumny against which I protested.

The Hon'ble Mr. W. D. R. PRENTICE: He spoke about ruining the health of detenus: by whom? Did he mean Government or the doctors?

Rai Dr. HARIDHAN DUTT Bahadur: I heard from people outside amongst whom were men of good status. They attributed these things to Government without any reason. They say these calumnious things against the doctors in Government service.

The Hon'ble Mr. W. D. R. PRENTICE: That is a calumny which is entirely unjustifiable. The doctors are carefully selected and they do their work as best as they can in the circumstances in which they are placed and they do not get the co-operation which they have a right to expect, from the detenus.

Now, Sir, what is the proposal? If this amendment is accepted, the result will be that we shall have to give a sort of monthly allowance either in cash or in fees for medical treatment of detenus by private medical practitioners. Thus, if each detenu of the Buxa Camp wants to be treated by a private practitioner, Government will perhaps have to meet the expenses of 140 doctors for going up to that place and also the expenses of a couple of hundred doctors for going to a place like Hijli or wherever these detenus are. It would involve the province in an enormous expenditure in the shape of doctors' fees and travelling allowances. I, therefore, hope that the Council will recognise that this amendment is impossible. I can assure the Council that in the circumstances in which they work, there is absolutely no justification for the allegations which have been made against the present medical staff.

The following motion was then put and lost:—

"That in clause 5 in proposed section 12, line 5, after the word 'support' the words 'and medical treatment, if necessary, by private medical practitioners' be inserted."

Mr. PRESIDENT: You might perhaps move your amendments together.

Babu SATISH CHANDRA RAY CHOWDHURY: I beg to move that in clause 5 in proposed section 12 in line 6 the words "having regard to his other sources of income" be omitted.

I also beg to move that in clause 5 in proposed section 12 in lines 12 and 13 the words "having regard to their other sources of income" be omitted.

I can assure the Hon'ble Member that this will be my last amendment, although I know what its fate will be. The Hon'ble Member will take great credit for having such a contentious Bill passed without any amendment. I can, however, assure the Hon'ble Member that I have given notice of this amendment after careful consideration and I submit that the inclusion of the words "having regard to his other sources of income" may more often than not affect the detenus and their families adversely. I know of one or two cases where the detenus were allowed Rs. 125 a month on previous occasions but now the same man is getting Rs. 50 only for the maintenance of their families. I have also received complaints by letters from several persons, persons quite unknown to me, but belonging to my constituency, which go to show that in some cases the dependents of the detenus suffer greatly for want of proper allowances for their maintenance. I apprehend, Sir, that as a result of the inclusion of the words in the Bill some of the detenus and their dependents will have to go without any allowance. I shall illustrate my point by one case. Take the case of a landlord who is managing his own affairs, collecting his own revenues. He is arrested and kept in detention.

Sir, it may be argued that the person has got some landed property which yields some income and so there is no reason to give him sufficient allowance, I mean, for his family. Sir, this is not quite a reasonable view to take, because nowadays everybody knows that people possessing landed properties experience considerable difficulties in managing them. In the case of the arrest of a person, the mere fact of his being arrested goes against his prestige and interferes with the collection of rents and payment of revenue; and by the time the person is released, he finds himself involved in debts. I know of a case in which a detenu of a very high social position was the managing member of his family. His father left some debts and he was trying to pay them off, but being detained he could not pay them off and the result was disastrous. So, I urge that regard should not be paid to other circumstances upon which the family depends. If this amendment is not inserted, the provision will be misleading and you might fall into the error of depriving the family of a detenu of the minimum means of subsistence. When you take a man away and he loses his freedom, is that not enough loss to him? You should allow his family a decent compensation. I hope the Hon'ble Member will take these facts into consideration and not leave a loophole in the provision by which a detenu's family may be denied the bare means of subsistence. I would make this last appeal to the Hon'ble Member and if I succeed, I shall thank my stars.

[At 6-2 p.m. the Council adjourned for prayer and it reassembled at 6-12 p.m.]

The Hon'ble Mr. W. D. R. PRENTICE: Sir, I should like to explain that these two amendments "having regard to his (or their) other sources of income," have been introduced in the interests of the finances of Bengal. Under the law as it stands at present, we have got to pay the allowance, irrespective of whether the detenus have other sources of income which are unaffected by their detention. The effect of rejecting the amendment will be that we must continue to pay to a detenu's family an allowance irrespective of whether his income is nothing or very large. A case came up to me some time ago when we received a report about one detenu. I may mention here that all these cases are decided after reference to the District Officers, and that the District Officers submit on every occasion a report regarding the financial position of the detenus and of their families. In the case I have mentioned, it was reported that the detenu was very well off—he had a *zamindari*—and his wife and children were living in absolute comfort, in circumstances entirely unaltered by his detention. Well, I took legal opinion as to whether I could exercise my option to refuse the allowance on such facts and I was advised that under the law as it stands at present I could not do it. So I had to sanction the allowance for that family although it was not

required. Therefore, we have introduced in this clause a provision which will in future entitle us to take into account other sources of income before deciding to pay the allowance from public funds.

The following motions were then put and lost:—

"That in clause 5 in proposed section 12 in line 6 the words 'having regard to his other sources of income' be omitted."

"That in clause 5 in proposed section 12 in lines 12 and 13 the words 'having regard to their other sources of income' be omitted."

The following motions were called but not moved:—

"**Rai Dr. HARIDHAN DUTT Bahadur** to move that in clause 5 in proposed section 12 in line 13 after the word 'wants' the following be inserted, namely:—

'and for visiting him, if he is detained at a place beyond the district where he ordinarily resides, when permission for such a purpose has been previously obtained from the Local Government or the Magistrate of the district where he is detained'."

"**Mr. P. BANERJI** to move that in clause 5 in proposed section 12, line 14, after the words 'rank in life' the following be inserted, namely:—

'provided the monthly allowance in cash or in kind or both, for the support of the detenu, shall in no case be less than Rs. 50 and the monthly allowance to his family, and such of his near relatives as are dependent on him for support, shall in no case be less than Rs. 30 per head'."

Mr. SYAMAPROSAD MOOKERJEE: I beg to move that in clause 5 for the "*Explanation*" to the proposed section 12 the following be substituted, namely:—

"*Explanation.*—For the purposes of this section a person placed under restraint shall not include a person in respect of whom any order has been made under sub-section (*1*) of section 2 requiring him to notify his residence or change of residence or to report himself to the police or to abstain from any specific act, other than an act which interferes with his normal trade, business or profession."

Sir, I take it that if the order of placing a person under restraint has the net result of not interfering with his profession or business but simply to require him to make occasional reports to the police, such persons will not get any allowance. The last clause is, however, rather wide in its character; it speaks of any person who is ordered to abstain from any specific act, which may include anything. All that I want

to do is to add an "*Explanation*" that such specific act must be one other than an act which interferes with his normal trade or business or profession. In other words, if the result of the Government order is that the person is prevented from doing something which will interfere with his normal business, he will be entitled to an allowance. I hope that my amendment will be accepted by the Hon'ble Member-in-charge.

The Hon'ble Mr. W. D. R. PRENTICE: Sir, I am glad that there is at least one amendment which I can accept, but I hope that the result of accepting it will not be what happened in 1930, when having accepted an amendment it was found necessary to insert a clause in this Bill to correct a mistake that had been made thereby. However I am prepared to accept this amendment as it does not alter our present position at all. I have looked into the matter and I can discover no case in which orders have been issued refusing an allowance for a person who is placed under such restraint as interferes with his normal trade or profession. I, therefore, accept the amendment.

The following motion was then put and agreed to:—

"That in clause 5 for the '*Explanation*' to the proposed section 12 the following be substituted, namely:—

'*Explanation.*—For the purposes of this section a person placed under restraint shall not include a person in respect of whom any order has been made under sub-section (*1*) of section 2 requiring him to notify his residence or change of residence or to report himself to the police or to abstain from any specific act, other than an act which interferes with his normal trade, business or profession'."

Mr. SHANTI SHEKHARESWAR RAY: I beg to move that in clause 5, the following be added at the end of the proposed section 12, namely:—

"Provided that a person under restraint may appeal against the order of the Local Government in respect of the amount of allowance sanctioned for him or his family to a Board consisting of five non-official members to be appointed by the Local Government, and in such cases the Local Government shall accept the recommendation of the Board."

I want to make my position clear. Sir, at the outset, I should state that I unequivocally oppose the cruel and vindictive measure—a measure perpetuating this extra-judicial Russian method of punishment; but I have brought forward this amendment in a spirit of compromise. Apart from the general question of detention without trial, the thing that causes the greatest amount of irritation is the question of allowance to the detenus and their families. Sir, this very morning I came across in the columns of a leading vernacular daily of the city, the *Bangabani*, the case of a detenu. I refer to the case of a detenu, Srijut Rasik Lal

Das. Well, this gentleman was acquitted by the Hon'ble High Court in the Dalhousie Square bomb case, but was arrested under the Bengal Criminal Law Amendment Act. He has been in detention for a long time and in the columns of this paper the Hon'ble Member will find all the harrowing details about the condition of the poor old widowed mother of this gentleman. I remember also the case of a poor widow, at least who was represented to me to be a poor widow, belonging to the district of Malda, my constituency, whose son, who was reading in some medical school in Calcutta, was arrested and detained under this Act. Well, the gentleman who brought the case to my notice asked me to move the authorities in the matter, but I felt that it would be very unfair on my part to approach the Hon'ble Member in charge of the Political Department in connection with any individual case. That is a practice which should be discouraged by the Government as well as by the relatives of the detenus. We should not put up such individual cases, but only cases which be justified on principles. I would like to ask the Hon'ble Member to consider why the case of the detenus arouses so much sympathy. There is the question of detention without trial, there is the question of the callous attitude of the authorities in the matter of granting them any satisfactory allowance I have brought forward this proposal for the constitution of a board where all aggrieved parties may make an appeal and let the Government have an opportunity to have their findings examined. Sir, I have brought forward this proposal in the interests of the Hon'ble Member in charge of the Political Department, as also in the interests of the Government servants who have to deal with the question under the present condition of things. Sir, when these facts are reported in the newspapers and are brought to the notice of young sentimental people, I can leave the Hon'ble Member to judge what the sentiments aroused are like. The other day the Hon'ble Member-in-charge said that he had not read the statement of Sreemati Bina Das. Well, I would request him to read that statement.

The Hon'ble Mr. W. D. R. PRENTICE: May I interrupt, Sir? I said that I had read the statement at 10 o'clock in the night it was issued.

6-30 p.m.

Mr. SHANTI SHEKHARESWAR RAY: I read that statement the other day in this House from a copy which a colleague of mine had brought with him. I suggest to the Hon'ble Member that he will find in that statement ample room for thought. It is not only the question of detention without trial, but the subsequent misery that detention brings to their household, that has aroused so much sympathy. We do not feel sympathy for ordinary convicts who are in jail, but in view of the

peculiar circumstances in which these persons are placed, it naturally arouses our sympathy. That is why we are pleading for their cause in this House. My suggestion is a very modest one. I do not ask the Government to change their present procedure at all; in the preliminary stage they may continue the present procedure, but if there is any grievance on the part of any detenu, I would suggest a body that may look into the matter further. I am not asking the Government that they should place before the committee the question whether a man should be detained or not, but it is merely a question what amount of allowance that party should get. I am not suggesting that the Hon'ble Member should appoint this or that man to the committee, I am leaving this decision in his hands. He may put on the committee the most miserly person he knows, or gentlemen who have been pressing for all sorts of retrenchment, but what I want is this that at least the findings of the Government in the matter may be reviewed by a non-official body, and perhaps Government will find that after all after working in consultation with the non-official people who may be better able to judge the condition of their families, in some cases justice may be done to the party aggrieved and leave no bitterness behind. With these words, I commend the motion to the acceptance of the House.

Mr. SYAMAPROSAD MOOKERJEE: I beg to move that the following proviso be added to the proposed section 12:—

"Provided that the Local Government shall appoint a Committee consisting of three non-official members of the Bengal Legislative Council to assist and advise the Local Government on matters arising out of the operation of this section."

At this late hour I do not want to raise the controversial question whether the Act is Russian or Prussian in nature I suppose it is both. I would only ask the House to consider the amendment which, I think, is a very reasonable one. The amendment suggests that there should be a committee appointed by Government, consisting of three non-official members of this House, with powers, not as Mr. Ray contemplates, namely, that the recommendations of such a committee will be binding on the Local Government, but simply with powers to advise and assist Government on matters arising out of the operation of this section alone. It is not my intention that this committee will be asked to go into the history of each case, into the reasons why a particular person has been detained, and so forth. All that this committee will go into, is whether the allowance that has been fixed by Government under this section, or is going to be fixed, is a proper one or not. There is no use denying the fact that over this question of allowances, there has been a good deal of feeling both inside and outside the House. I am not discussing the question whether such a feeling has been rightly or wrongly expressed. What harm can there be if an advisory committee is appointed to help

Government in deciding questions of this nature? We have heard a lot during the last few days about the want of co-operation from responsible people, and it indeed came with very bad grace from the Hon'ble Member, Mr. Prentice, for he never really cared for anybody's co-operation. But if he really and sincerely feels that there is a lack of co-operation, here is an offer which is made on behalf of the non-official members of this House. Why should Government hesitate to take the non-official members into their confidence, and even in a manner which will not interefere with the final decision of Government? I do not think on a motion like this, it is necessary for me to speak at great length, but I hope the same impulse which prompted Mr. Prentice to accept the last amendment, still animates him, and he will accept this one also, which is going to be positively the last amendment.

Babu SATISH CHANDRA RAY CHOWDHURY: I support the motion. I think it is a very reasonable proposition and will not very seriously affect the principle of Mr. Prentice's Bill. But I must say in deference to Mr. Prentice that he has never refused any information that he is in a position to give, whenever I approached him in the matter of individual cases, but this information has always been supplied from his own point of view, and he has always been very prompt. I do not agree with Mr. Ray that we should not approach Government in individual cases; this is a form of non-co-operation with which I am not in sympathy. I hope Mr. Mookerjee will be as successful in this amendment as he seems to have some luck to-day.

The Hon'ble Mr. W. D. R. PRENTICE: I am sorry to disappoint Mr. Ray Chowdhury this time, as I am afraid I must oppose these amendments. It is perfectly obvious that Mr. Ray's amendment would leave the decision regarding these allowances in the hands of non-officials who would be entirely irresponsible. That cannot possibly be done. Mr. Mookerjee's amendment is not quite on the same lines. I gather from his speech that he does not want a Board of Appeal, but a board who will advise Government in the matter. On general principles at least we cannot agree to send these cases for review before a Board of Appeal. Mr. Ray has referred to letters which appear in some newspapers. I would advise him not to pay too much attention to what appears in these newspapers. For I can tell Mr. Ray that when we come to investigate these matters, as a rule we find that most of the complaints are unfounded. I can assure the Council that many of the cases put forward are not at all genuine. As I told the House, every case is inquired into and we get a report from the local officer who makes the inquiries. I suggest to the Council that the local officer is in an infinitely better position to report on the circumstances of the detenus than a board of three non-officials sitting in Calcutta.

I regret I cannot accept either of these amendments.

The following motions were then put and lost:—

"That in clause 5, the following be added at the end of the proposed section 12, namely:—

'Provided that a person under restraint may appeal against the order of the Local Government in respect of the amount of allowance sanctioned for him or his family to a Board consisting of five non-official members to be appointed by the Local Government, and in such cases the Local Government shall accept the recommendation of the Board'."

"That the following proviso be added to the proposed section 12:—

'Provided that the Local Government shall appoint a Committee consisting of three non-official members of the Bengal Legislative Council to assist and advise the Local Government on matters arising out of the operation of this section'."

Mr. PRESIDENT: The question is that clause 5, as amended, stand part of the Bill.

The motion was put and agreed to.

Clause 6.

Mr. PRESIDENT: The question is that clause 6 stand part of the Bill.

The motion was put and agreed to.

Clause 7.

Mr. PRESIDENT: The question is that clause 7 stand part of the Bill.

The following amendment was called but not moved:—

"**Babu SATISH CHANDRA RAY CHOWDHURY** to move that in clause 7 (*a*), line 2, the figures '216' be omitted."

Mr. PRESIDENT: The question is that clause 7 stand part of the Bill.

The motion was put and agreed to.

Clause 8.

Mr. PRESIDENT: The question is that clause 8 stand part of the Bill.

The following amendment was called but not moved:—

"Babu SATISH CHANDRA RAY CHOWDHURY to move that in clause 8, line 3, the figures '216' be omitted."

Mr. PRESIDENT: The question is that clause 8 stand part of the Bill.

The motion was put and agreed to.

Preamble.

Mr. PRESIDENT: The question is that the preamble stand part of the Bill.

The motion was put and agreed to.

The Hon'ble Mr. W. D. R. PRENTICE: I beg to move that the Bill, as amended in Council, be passed. I must thank the Council for the consideration which they have given to this measure. I again want to assure the Council that Government does not regard repression as an end in itself. It is only a means to an end. Nobody has been able yet to suggest any other measures by which we can deal with the evil of terrorism. If any member of this Council has any suggestions to make, if he will let me have his name, and if he wants to come and see me, I will write him a letter asking him to come and see me. I can assure you, we all have the same end in view; we all want to get rid of this terrorism in Bengal, and Government has adopted this measure as the only practical method which has been suggested by which we can fight it. I can assure this Council again that as soon as this menace of terrorism disappears, the Act will die of inanition and will not be used for any other purpose than that for which it is intended.

Maulvi SYED MAJID BAKSH: I beg to oppose the motion that the Bill be passed. I do so with the fullest sense of responsibility. I can assure the Council and all my friends here, that I have no intention

of obstructing any motion for the sake of obstruction. I have said in this Council, times without number, that I am of a totally different way of thinking. I am morally convinced that this is not a remedy.

6-45 p.m.

I am convinced that this is a remedy which will increase the disease. We have learnt this by experience. I think that as soon as this Act is applied, sure as night follows the day, the disease will go on increasing. I am not a doctor, and, therefore, I have no remedy to suggest. But if a remedy must be found out, it must not be such as to lead to a hopeless state of affairs. This I can say that these remedies have been applied from time to time and they have only increased terrorism. That is the only conclusion I have arrived at from my experience. Sir, I have sat in this chamber for the last two days and I have listened from the very beginning to the end of the discussion on this Bill. I expected that some light would be thrown upon this Bill from this side or the other side which will at least carry a little conviction in me that the Bill proposed to-day will prove to be a real remedy. Sir, in this connection I am reminded of a cartoon in the *Punch*: A lady intending to get into a railway carriage carried a tortoise with her; the porter stopped her saying that he would not allow her to take the tortoise with her So she wanted to put the tortoise into the dog box and was told that it could not be carried there too. She said that she had seen him allow cats and hares in the dog box. Then the porter replied "my lady, dogs is dogs, cats is dogs, hares is dogs, but this tortoise is an hinsect." Sir, however much this Bill is put into the form of a legislation, the fact remains that it is not law at all, it is a negation of law, it is an hinsect. It is contrary to the ideas which have been inculcated so long according to the fundamental principles of jurisprudence, and it is for this reason that I have chosen to oppose the Bill. I know, Sir, that Government have wisdom in introducing—

Mr. E. C. ORMOND: On a point of order, Sir. In view of the fact that the preamble of the Bill has not yet been put, is the hon'ble member within his rights to speak on that subject?

Mr. PRESIDENT: The whole Bill has been put. The preamble already forms part of the Bill.

Maulvi SYED MAJID BAKSH: Sir, I am opposing the whole Bill. In this connection, I am reminded of a translation of a famous Latin verse by Lord Roscomon: "I search, I search, and when I find, I lay, the wisdom up against the rainy day." The Government and its

spokesman, the Hon'ble Mr. Prentice, has lain their wisdom against a rainy day, and we shall watch whether it will prove to be of any use. Sir, I have already expressed my misgivings as to the result. I have no quarrel with any Government member. As a matter of fact, I am a great admirer of Mr. Prentice. Shrewd, resourceful, unscrupulous and obstinate, he appeals to my imagination. He believes with George Bernard Shaw that consistency and scrupulousness are but the virtues of an ass. But I am afraid, Mr. Prentice will find by now that his Apple Cart has completely overturned scattering his apples and it is impossible for him to collect them again. I do not like to take the time of the Council any more, but I would like to finish with a Latin verse from Horace, which begins thus: "Lucistesatis Edistesatis at que bibiste" —which means "thou hast eaten enough, thou hast drunk enough, thou hast fooled thyself enough—it is time that thou pass off the stage." I have submitted what I thought about this Bill. I hope to be excused if I have given offence to anybody. There is nothing personal in my allusions or references. But I do believe that this Bill will be more harmful than helpful, and I hope that even at this stage it will be thrown out. If this Bill is passed, you will find in the language of Lord Morley a "mute and muzzled" India, but it will cease to be as it is thought to be the brightest jewel of the British Crown.

The motion that the Bengal Criminal Law Amendment Bill, 1932, as settled in Council, be passed was then put and a division taken with the following result:—

AYES.

Armstrong, Mr. W. L.
Austin, Mr. J. M.
Bal, Babu Lalit Kumar.
Bal, Mr. Sarat Chandra.
Barma, Rai Sahib Panchanan.
Bartley, Mr. C.
Basir Uddin Khan Sahib Maulvi Muhammed.
Birkmyre, Mr. H.
Bottomley, Mr. J. M.
Cohen, Mr. D. J.
Coppinger, Major-General W. V.
Dain, Mr. G. R.
Das, Rai Bahadur Kamini Kumar.
Eusufji, Maulvi Nur Rahman Khan.
Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur.
Gangali, Rai Bahadur Sushil Kumar.
Ghose, the Hon'ble Sir B. B.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gilchrist, Mr. R. N.
Guha, Babu Profulla Kumar.
Gurner, Mr. C. W.
Haghyna, Mr. W. S.
Hussain, Maulvi Latafat.
Kerr, Mr. W. J.
Khan, Maulvi Amin-ur-Zaman.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Mr. Nazaur Rahman.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
Millar, Mr. C. C.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Nandy, Maharaja Sris Chandra, of Kasimbazar.
Nazimuddin, the Hon'ble Mr. Khwaja.
Ordish, Mr. J. E.
Ormond, Mr. E. C.
Philpot, Mr. H. C. V.
Prentice, the Hon'ble Mr. W. D. R.
Rahman, Mr. A. F. M. Abdur-
Ray Chaudhuri, Mr. K. C.
Ross, Mr. J.
Ray, Mr. Saileswar Singh.
Ray, Mr. Sarat Kumar.
Ray, the Hon'ble Mr. Bijay Prasad Singh.
Sahana, Babu Satya Kinkar.
Sarkar, Sir Jadunath.
Sarkar, Rai Sahib Rebati Mohan.
Suhrawardy, Mr. H. S.
Wilkinson, Mr. H. R.
Wordsworth, Mr. W. C.

NOES.

Ali, Maulvi Hassan.
Baksh, Maulvi Syed Majid.
Chaudhuri, Babu Kisheri Mohan.
Chaudhuri, Dr. Jogendra Chandra.
Choudhury Maulvi Nurul Absar.
Choudhury, Maulvi Abdul Ghani.
Fazlullah, Maulvi Muhammad.
Ghose, Dr. Amulya Ratan.
Hakim, Maulvi Abdul.
Hashemy, Maulvi Syed Jalaluddin.
Maiti, Mr. R.
Mookerjee, Mr. Syamaprasad.
Poddar, Seth Hunuman Prasad.
Ray, Mr. Shanti Shekhareswar.
Ray Chowdhury, Babu Satish Chandra.
Rout, Babu Hoseni.
Roy, Babu Naribansa.
Roy, Babu Satyendra Nath.

The Ayes being 49 and the Noes 18, the motion was carried.

Adjournment.

The Council was then adjourned till 3 p.m., on Monday, the 29th February, 1932, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Monday, the 29th February, 1932, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 93 nominated and elected members.

Starred Questions

(to which oral answers were given).

Assessment of revenue of the Noabad taluks and jotes in Chittagong.

*77. **Rai KAMINI KUMAR DAS Bahadur:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware—

(*i*) that paddy is being sold at 4 *aris* per rupee in Chittagong; and

(*ii*) that the settlement office is recovering costs of survey and assessing cesses giving the price at 1½ *aris* per rupee?

(*b*) Is it a fact that the assessment of revenue of the Noabad taluks and jotes of Chittagong had been made in the revisional survey on the basis of the price of paddy at the rate of Rs. 3-8 to Rs. 4 per maund?

(*c*) If the answer to (*b*) is in the affirmative, are the Government considering the desirability of revising the assessment of revenue of the Noabad taluks and jotes of Chittagong on a reduced scale?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir B. B. Ghose): (*a*) (*i*) No. The price of paddy is reported to be Rs. 1-8 to Rs. 1-10 per maund.

(*ii*) No. Survey and settlement costs are not based on the price of paddy, and the Settlement Department are not assessing cesses.

(*b*) No.

(*c*) Does not arise.

Maulvi SYED MAJID BAKSH: With reference to my question (*a*) (*i*) that paddy is being sold at 4 *aris* per rupee in Chittagong, the Hon'ble Member says that it is Rs. 1-8 to Rs. 1-10 per maund. May I ask how he arrived at that calculation?

The Hon'ble Sir B. B. CHOSE: I have not arrived at this calculation; it has been reported to me.

Maulvi SYED MAJID BAKSH: How has the Hon'ble Member come to the price of paddy per *maund* from the given price of paddy per *ari*?

The Hon'ble Sir B. B. CHOSE: That is a question of reduction. Anybody who knows anything about *aris* would be able to do that—perhaps the member does not know what is meant by *aris*; otherwise he would not have put this question.

Maulvi SYED MAJID BAKSH: Unfortunately I do not know what an *ari* is. Will the Hon'ble Member kindly give me the calculation?

Estates sold for defaults in September kists.

*78. **Rai KESHAB CHANDRA BANERJI Bahadur:** Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing for each district of Bengal the number of estates of private proprietors that have been put up to auction sale for failure to pay the last September *kist* of land revenue?

The Hon'ble Sir B. B. CHOSE: A statement is laid on the table.

Statement referred to in the answer to starred question No. 78 showing the number of estates of private proprietors put up to auction for revenue defaults in September kist, 1931.

Districts.	Number put up to auction.
Burdwan	4
Birbhum	2
Bankura	...
Midnapore	13
Hooghly	21
Howrah	4
24-Parganas	61

Districts.	Number put up to auction.
Nadia	... 7
Murshidabad	... 8
Jessore	... 5
Khulna	... 2
Rajshahi	... 2
Dinajpur	... 6
Rangpur	... 3
Bogra	... 3
Pabna	... 9
Malda	... 1
Jalpaiguri	... Nil
Dacca	... 38
Mymensingh	... 3
Faridpur	... 20
Bakarganj	... 7
Chittagong	... 14
Tippera	... 18
Noakhali	... Nil
Darjeeling	... Nil

Rai KESHAB CHANDRA BANERJI Bahadur: Will the Hon'ble Member be pleased to state the number of private estates that failed to pay their revenue for the September *kist* in due time?

The Hon'ble Sir B. B. GHOSE: I must ask for notice. It is very difficult to answer it off-hand.

Noabad taluks and jotes in Chittagong.

*79. **Babu KISHORI MOHAN CHAUDHURI:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware—

(*i*) that the assessment of revenue of the Noabad taluks and jotes in Chittagong was made in the revisional survey on the basis of the price of paddy at the rate of Rs. 3-8 to Rs. 4 per maund, but

(*ii*) that paddy was being sold at the rate of Rs. 2 to Rs. 2-8 per maund in 1929 and 1930; and

(*iii*) it has come down to Re. 1 to Re. 1-4 per maund in 1932?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what relief, if any, the Government have already given or intend to give to the aggrieved talukdars and jotedars?

The Hon'ble Sir B. B. CHOSE: (*a*) (*i*) No, the statement is not correct.

(*ii*) It is reported that the price of paddy at Chittagong was Rs. 2-11 per maund on the average in 1929 and 1930.

(*iii*) At the beginning of February, 1932, it was Re. 1-8 to Re. 1-10 per maund.

(*b*) As the enhancement was very small in comparison with the increase in the decennial average of the price of rice and as the tenure-holders received liberal allowances Government do not consider that they have any grievance, but further inquiries will be made before coming to a final decision in the matter.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to give us an idea as to when an inquiry will be made?

The Hon'ble Sir B. B. CHOSE: I cannot give any idea.

Usurious Loans Act.

*89. **Maulvi ABDUL HAKIM:** (*a*) Is the Hon'ble Member in charge of the Judicial Department aware of the general impression that exists that the agricultural people of Bengal are in a hopeless state of indebtedness?

(*b*) Have the Government any reason to think that their indebtedness is largely due to the exorbitant rates of interest realised by the money-lenders?

(*c*) Is it a fact that interest even at the rate of Rs. 37-8 per cent. per annum was decreed last year by the munsifs of the Mymensingh and other districts in Bengal?

(*d*) Is the Hon'ble Member aware that the rate of interest charged by Government on agricultural loans is 6¼ per cent. per annum?

(*e*) Is it not a fact that the attention of Government was drawn to the desirability of having the Usurious Loans Act amended by a cut motion at the last budget session of the Council?

(*f*) Have the Government received petitions from the agricultural people of Bengal requesting Government to take early steps for the amendment of the said Act?

(*g*) If the answer to clause (*f*) is in the affirmative, will the Hon'ble Member be pleased to state the number of such petitions received up-to-date?

(*h*) Have the Government taken any steps for amending the Usurious Loans Act?

(*i*) If no action has been taken, what are the reasons?

(*j*) Are the Government considering the desirability of amending the Usurious Loans Act at an early date?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) Yes. There is considerable indebtedness among the agricultural population, but it is difficult to make an accurate estimate of the degree of such indebtedness.

(*b*) The high rate of interest charged is doubtless an important factor, but the rate itself depends on various considerations. The lender has to run considerable risk, unless good security is forthcoming; he has to face constant difficulties in enforcing his contract and suffers frequent losses. His interest charges must cover these risks, must allow for these difficulties, and must recoup him his losses.

(*c*) Yes.

(*d*) 6¼ per cent.

(*e*) Yes.

(*f*) Yes.

(*g*) Roughly 7,600 petitions have been received, but the requests made in them varied and in some no reference was made to the Usurious Loans Act.

(*h*), (*i*) and (*j*) The member is referred to the answer given to Maulvi Abdul Hamid Shah's unstarred question No. 36 at this session.

Maulvi SYED MAJID BAKSH: Is the Hon'ble Member aware that I myself have submitted a Bill about usurious loans?

The Hon'ble Mr. W. D. R. PRENTICE: Yes, I am.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to tell me when I shall be able to introduce the Bill and when sanction will be received?

The Hon'ble Mr. W. D. R. PRENTICE: No orders have been received yet.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to say what is the present state of the Bill?

The Hon'ble Mr. W. D. R. PRENTICE: It is under consideration.

Maulvi SYED MAJID BAKSH: Is it under the consideration of the Government of Bengal or the Government of India?

The Hon'ble Mr. W. D. R. PRENTICE: Government of Bengal.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to tell us what is the recommendation of the Government of Bengal?

The Hon'ble Mr. W. D. R. PRENTICE: No recommendation has yet been made.

Maulvi ABDUL HAKIM: With regard to answer (*c*), may I know if the Government consider that interest at the rate of Rs. 37-8 *per cent. per annum* is very exorbitant?

The Hon'ble Mr. W. D. R. PRENTICE: I am afraid I have no knowledge of the condition of things in Mymensingh or of the circumstances under which it was allowed.

Maulvi SYED MAJID BAKSH: Am I to understand from answer (*b*) that the Hon'ble Member does not make any difference between the loss incurred in the case of one person and recovered from another person?

The Hon'ble Mr. W. D. R. PRENTICE: Although the question is addressed to the Hon'ble Member (Judicial), the matter really concerns the Revenue Department. I said what they told me, but what their views are on this question I do not know.

Mileage of roads in Indas thana of Bankura.

***81. Babu SATYA KINKAR SAHANA:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing for the Sadar and Vishnupur subdivisions of the Bankura district—

(*i*) the areas in square miles;

(*ii*) the population;

(*iii*) the amount of road cess realised; and

(*iv*) the mileage of roads?

(*b*) Will the Hon'ble Member be also pleased to lay on the table a statement showing for the Indas thana of the Vishnupur subdivision—

(*i*) the area in square miles;

(*ii*) the population;

(*iii*) the number of villages; and

(*iv*) the mileage of roads?

The Hon'ble Sir B. B. GHOSE: (*a*) and (*b*) Statements are laid on the table.

Statements referred to in the answer to starred question No. 81.

Bankura district.

	Area in square miles.	Population.	Road cess.*	Mileage of roads.
Sadar subdivision ..	1,933	788,608	....	690
Vishnupur subdivision	714	323,113	....	225

* As cesses are assessed by estates and not by subdivisions separate figures for cess cannot be given.

	Area in square miles.	Population.	Number of villages.	Mileage of roads.
Indas thana ..	98	48,132	131†	34 miles 2 furlongs.‡

† According to jurisdiction list.
‡ Mileage of district and local board roads.

Allowances of detenus.

***82. Maulvi SYED JALALUDDIN HASHEMY:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that food or other allowances of détenus have been considerably reduced?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state the reasons therefor?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) The dietary and monthly allowances of détenus have been reduced by Government with effect from 1st December, 1931.

(*b*) It was held that the scales of allowances which had been in force for several years were capable of reduction.

Maulvi SYED JALALUDDIN HASHEMY: Will the Hon'ble Member be pleased to state the proportion of reduction in the dietary and allowances?

The Hon'ble Mr. W. D. R. PRENTICE: Circumstances varying, this also varies.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state if the allowances have been reduced in every case?

The Hon'ble Mr. W. D. R. PRENTICE: In every case of a person confined in camp or jail.

Rai SATYENDRA KUMAR DAS Bahadur: Will the Hon'ble Member be pleased to say to what extent the diet allowance has been reduced?

The Hon'ble Mr. W. D. R. PRENTICE: Government are not prepared to give that information.

Rai KESHAB CHANDRA BANERJI Bahadur: Will the Hon'ble Member be pleased to state whether this has been done as a measure of retrenchment?

The Hon'ble Mr. W. D. R. PRENTICE: It has been done after considering all the circumstances.

Platform for the Bansabati railway station.

***33. MUNINDRA DEB RAI MAHASAI:** (*a*) With reference to the reply given to starred question No. 51 at the Council meeting held on the 11th February, 1931, will the Hon'ble Member in charge of the Public Works (Railways) Department be pleased to lay on the table a statement showing in figures for the last five years in respect to each of the eight stations therein referred to—

(*i*) the density of the passenger traffic;

(*ii*) the income derived from the passenger traffic; and

(*iii*) the income derived from the goods traffic?

(*b*) How many raised platforms, out of the "eight," have been constructed?

(*c*) When is the turn of Bansabati likely to come?

MEMBER in charge of PUBLIC WORKS (RAILWAYS) DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) The labour involved in compiling the statement would be excessive and Government regret they are not prepared to undertake it.

(*b*) Only one.

(*c*) Owing to financial stringency it cannot be stated when a raised platform will be provided at Bansabati.

MUNINDRA DEB RAI MAHASAI: With reference to the reply given to (*c*), will the Hon'ble Member be pleased to say if he is aware that the daily average income of the Bansabati station is over Rs. 1,000 and that this increase justifies its being provided with a raised platform?

The Hon'ble Mr. A. MARR: I am not aware.

Muhammadan Circle Officers, Bakarganj.

***84. Maulvi MUHAMMAD HOSSAIN:** (*a*) Is the Hon'ble Member in charge of the Appointment Department aware—

(*i*) of the paucity of Muhammadan circle officers at present in the district of Bakarganj; and

(*ii*) that almost all the union boards are conducted by a large body of Muhammadan members?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of deputing a sufficient number of Muhammadan circle officers to the said district?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) (*i*) Yes.

(*ii*) A large majority of the members of the union boards are Muhammadans.

(*b*) The attention of the Commissioner of the Dacca Division will be drawn to this question. The posting of members of the Bengal Junior Civil Service within a division rests with the Commissioner of the division.

Publication of the report of the Proceedings of the Bengal Legislative Council in newspapers.

*85. **Mr. NARENDRA KUMAR BASU:** Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact—

(*i*) that the Special Officer has directed the Calcutta newspapers not to publish reports of the Proceedings of this Council without previously submitting the reports to him; and

(*ii*) that when asked he refused to reduce his orders into writing?

The Hon'ble Mr. W. D. R. PRENTICE: (*i*) The Press Officer advised some newspapers to exercise care in publishing Proceedings of the Council as, whilst speeches in the Council are privileged, this privilege does not extend to the publication of the speeches. Some newspapers suggested that their reports might be examined by him before publication and he repeated the suggestion to some other newspapers. Actually none has been so examined.

(*ii*) One paper proposed that he should reduce his suggestion into writing. He replied in effect that his functions were advisory, and there were no orders to reduce to writing.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state if the Press Officer, in stating that the privilege does not extend to the publication of the speeches, was giving his own opinion or that of the Government?

The Hon'ble Mr. W. D. R. PRENTICE: As far as I know, he was giving his own opinion.

Mr. NARENDRA KUMAR BASU: Is the Government now in a position to state whether this privilege does or does not extend to the publication of speeches?

The Hon'ble Mr. W. D. R. PRENTICE: As far as I understand, his advice was correct.

Mr. NARENDRA KUMAR BASU: Was legal advice taken?

The Hon'ble Mr. W. D. R. PRENTICE: Yes.

Mr. NARENDRA KUMAR BASU: Is it the function of the Press Officer to give advice when called upon by the newspapers or even when not called upon to do so?

The Hon'ble Mr. W. D. R. PRENTICE: The newspapers frequently complained that they did not get any help in the matter of censorship of things like this. I think the Press Officer was carrying out his duties when he acted as he did.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state if the Press Officer in this instance gave this advice after being requested to do so?

The Hon'ble Mr. W. D. R. PRENTICE: I must ask for notice.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state whether it is not necessary for the Press Officer to keep a record of the advice that he gives to the newspapers?

The Hon'ble Mr. W. D. R. PRENTICE: That is not absolutely necessary. There is a lot of verbal discussion; he does not keep a diary of that.

Mr. NARENDRA KUMAR BASU: Does the Press Officer give advice on legal matters free of charge?

The Hon'ble Mr. W. D. R. PRENTICE: It was not legal advice.

Mr. NARENDRA KUMAR BASU: But in view of the fact that he has been actually giving legal advice, will the Hon'ble Member be pleased to tell us whether it has been given free of charge?

The Hon'ble Mr. W. D. R. PRENTICE: No Government officer charges anything for the advice that he gives.

Rai KESHAB CHANDRA BANERJI Bahadur: Will the Hon'ble Member be pleased to state if the Press Officer issued instructions only to Calcutta papers or to papers in other parts of India?

The Hon'ble Mr. W. D. R. PRENTICE: He is only Press Officer for Bengal.

Rai KESHAB CHANDRA BANERJI Bahadur: Will the Hon'ble Member be pleased to state how long will this advice remain in force?

The Hon'ble Mr. W. D. R. PRENTICE: Till it is declared to be bad.

3-15 p.m.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether the Press Officer issues instructions to the Calcutta papers only or to papers in other parts of India as well?

The Hon'ble Mr. W. D. R. PRENTICE: To all newspapers in Bengal.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state whether the Law Member of the Government of India has not expressed the opinion that the orders have made no change in the matter of the publication of the Council proceedings?

The Hon'ble Mr. W. D. R. PRENTICE: He expressed the opinion: "In my opinion, the Ordinances have made no change in the ordinary law of the land in the matter of publication in the public press or otherwise of the proceedings of the legislature."

Maulvi SYED MAJID BAKSH: In view of the opinion of the Law Member, will the Hon'ble Member now allow the newspapers to publish the reports of the proceedings of the Legislative Council?

The Hon'ble Mr. W. D. R. PRENTICE: So far as the opinion applies, it will be followed.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state why does the Press Officer issue such instructions to Calcutta newspapers?

The Hon'ble Mr. W. D. R. PRENTICE: I have already explained that it is because the newspapers frequently complain that they do not get advice as to the publication of information.

Assessment of Noabad taluks of Chittagong.

***86. Haji BADI AHMED CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state—

(*i*) in which year the last revisional survey operation took place in each of the police-stations, namely, Banskhali, Satkania, Ramu, Chakaria, Anwara;

(*ii*) at what rate the paddy was sold per maund in those thanas at the time of the assessment; and

(*iii*) what is the price of paddy in the current year?

(*b*) What was the standard taken per acre of land in each of those thanas to assess the Nijdakhali lands of the Noabad talukdars?

(*c*) Will the Hon'ble Member be pleased to state whether in the assessment of annual assets consideration was directed towards the price of paddy prevailing then?

(*d*) Have the Government ascertained that the produce of one acre of land at present does not cover the cultivation charges for that land?

(*e*) Is the Hon'ble Member aware that the price of the entire paddy produced from one acre of land is not sufficient to pay up the Government demands for that land?

(*f*) Are the Government considering the desirability of protecting the landlords of Chittagong by remitting half the revenue of the Noabad taluks and jotes till there is a rise in the price of paddy?

(*g*) Will the Hon'ble Member be pleased to state—

(*i*) how many defaulters of the Noabad taluks in Chittagong were allowed time for payment of Government dues;

(*ii*) what were their respective dues; and

(*iii*) what is the number of the said mahals in arrears in connection therewith?

(*h*) Is the Hon'ble Member aware that the Noabad talukdars are incapable of paying Government dues now?

(*i*) Has not the Secretary, Chittagong Zamindars' Association, brought to the notice of Government the grievances of the zamindars, talukdars and jotedars of Chittagong by submitting copies of the resolutions arrived at in the meeting of the Association held in the month of December last?

(*j*) What were the grievances set forth in the resolution to be redressed?

(*k*) What conclusions were come to by the Government in respect of the said grievances?

The Hon'ble Sir B. B. GHOSE: (*a*) (*i*) Anwara, Banskhali and Satkania—1924-27; Ramu and Chakaria—1926-28.

(*ii*) No statistics of the price of paddy are kept and the assessment was not based on the price of paddy at the time of assessment.

(*iii*) It is reported to be Rs. 1-8 to Rs. 1-10 a maund in Chittagong.

(*b*) The good lands were valued at the average raiyati rate for the village and other lands at lower rates.

(*c*) Yes indirectly, because raiyati rents were enhanced after comparing the average price of rice for the decennial periods preceding the

last and the present assessments by four annas in the rupee only although the increase justified by law was about ten annas in the rupee.

(*d*) No. The cost of labour has also fallen.

(*e*) No. Assessment was low and allowances liberal.

(*f*) No.

(*g*) (*i*) 378.

(*ii*) Rs. 82,967-5-1.

(*iii*) 1,726.

(*h*) No, there is no indication that Noabad talukdars generally are incapable of paying.

(*i*) Yes.

(*j*) It is alleged that the rents payable by talukdars and jotedars and the cess on revaluation are excessive owing to the fall in the price of paddy.

(*k*) The matter is under consideration.

[Certain supplementary questions were asked in Bengali by Haji Badi Ahmed Chowdhury to which answers were given by the Hon'ble Sir B. B. Ghose in Bengali.]

Bengal Tenancy (Amendment) Act—Provision in respect to bargadars, etc.

*37. **Mr. R. MAITI:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware—

(*i*) of the declaration made on the 3rd May, 1928, by the then Hon'ble Member in charge of the Bengal Tenancy (Amendment) Bill, 1928, as set forth in paragraph 7 of the Statement of Objects and Reasons for the said Bill to the following effect: "This new provision (with respect to *bargadars* or *adhiars* or *bhagchasis*) will apply with retrospective effect even to these cultivators of this class (*bargadars* or *adhiars* or *bhagchasis*) who have been recorded in the Record of Rights as raiyats or under-raiyats . . . . . "; and

(*ii*) of the decision of the Calcutta High Court reported in Volume 34 of the Calcutta Weekly Notes at page 845 holding that the definition of *bargadars* or *adhiars* or *bhagchasis* given in section 3, clause 17 of the Bengal Tenancy Act as amended by the Bengal Tenancy (Amendment) Act IV of 1928 is not retrospective in its effect?

(*b*) Will the Hon'ble Member be pleased to state what steps, if any, the Government are contemplating to give effect to the original intention of the Government?

The Hon'ble Sir B. B. GHOSE: (*a*) (*i*) Yes.

(*ii*) Yes.

(*b*) The addition to sub-section 17 of section 3 of the Act was amended by the Council and passed after long debate and Government are not at present contemplating any amendment.

Détenu Mr. Subhas Chandra Bose.

***88. Mr. SYAMAPROSAD MOOKERJEE:** Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*i*) whether Mr. Subhas Chandra Bose is at present confined in the Seoni or any other of the jails in the Central Provinces;

(*ii*) under what section or regulation he is being detained in custody;

(*iii*) whether it is a fact that Mr. Bose has been detained under Bengal Regulation III of 1818 by a warrant issued by the Government of India;

(*iv*) whether the treatment that is being meted out to Mr. Bose in jail is directed by the Government of India or the Government of Bengal or the Central Provinces Government;

(*v*) whether it is a fact that the Bengal Regulation III of 1818 provides that the State prisoner should be kept according to his rank and station in life;

(*vi*) what amount has been sanctioned for Mr. Bose's diet and other incidental expenses.

(*vii*) what amount was sanctioned as diet allowance when Mr. Bose was detained under Regulation III of 1818 between the years of 1924-27;

(*viii*) whether it is a fact that Mr. Bose has been kept in solitary confinement;

(*ix*) whether it is a fact that on the 20th January, 1932, Mr. Bose fell seriously ill at Seoni with acute abdominal pain and other troubles necessitating immediate medical attendance;

(*x*) what steps have been taken since then to improve conditions in the Seoni Jail for Mr. Bose;

(*xi*) whether any facilities are given to Mr. Bose for his physical exercise and recreation; and

(*xii*) whether it is a fact that his movements are confined to a small yard even during day time?

The Hon'ble Mr. W. D. R. PRENTICE: (*i*) He is confined in the Central Provinces.

(*ii*) and (*iii*) Under Regulation III of 1818 by a warrant issued by the Governor-General in Council.

(*iv*) In all cases under Regulation III of 1818 the orders are issued by the Governor-General in Council.

(*v*) The member is referred to the provisions of the Regulation.

(*vi*) and (*vii*) *Vide* answer to (*iv*).

(*viii*), (*ix*), (*x*), (*xi*) and (*xii*) Government have no information.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to state whether there are any rules which prevented Government from obtaining information?

The Hon'ble Mr. W. D. R. PRENTICE: The matter is entirely for the Government of India to deal with.

Co-operative colonization at Badarkhali.

***89. Haji BADI AHMED CHOWDHURY:** Will the Hon'ble Minister in charge of the Agriculture and Industries (Co-operative) Department be pleased to state—

(*a*) the rate per maund at which paddy was sold this year in the Co-operative colonization at Badarkhali in the district of Chittagong?

(*b*) Did the sale take place with the knowledge of the Government officers?

MINISTER in charge of ACRICULTURE and INDUSTRIES (CO-OPERATIVE) DEPARTMENT (the Hon'ble Nawab K. G. M. Faroqui, Khan Bahadur): (*a*) At Rs. 1-4 to Rs. 1-5 per maund in December, 1931. There has since been a slight rise in the price of paddy.

(*b*) No. The sale of paddy is a matter of internal administration of the society; there is no reason therefore why Government officers should be aware of it.

[Certain supplementary questions were asked in Bengali by Haji Badi Ahmed Chowdhury to which answers were given by the Hon'ble Nawab K. G. M. Faroqui, Khan Bahadur, in Bengali.]

Banking facilities for helping the mill industry of Bankura.

*90. **Babu SATYA KINKAR SAHANA:** (*a*) Will the Hon'ble Member in charge of the Commerce Department be pleased to lay on the table a statement showing for the district of Bankura—

(*i*) the condition of the mill industry; and

(*ii*) number of mills, rice, oil and others?

(*b*) Will the Hon'ble Member be pleased to state whether there is any banking facility for helping the mill industry of Bankura?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Member be pleased to state what steps, if any, the Government have been taking or contemplating to take for banking facilities in the district?

MEMBER in charge of COMMERCE DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) (*i*) and (*ii*) The number of rice, oil and other mills registered under the Indian Factories Act in the district of Bankura is—

Rice-mills	...	11
Oil-mills	...	2
Railway Workshop	...	1

It is understood that, in common with other industries, the above industries have suffered from the prevailing economic depression.

(*b*) and (*c*) So far as Government are aware, there are no special banking facilities in Bankura for the above mills, and Government do not contemplate taking any steps to provide banking facilities in the districts.

Babu SATYA KINKAR SAHANA: Will the Hon'ble Member be pleased to state why Government do not contemplate taking any steps to provide banking facilities in the district of Bankura?

The Hon'ble Mr. A. MARR: Government have nothing to do with banking arrangements except through the Co-operative Department.

Libraries.

*91. **MUNINDRA DEB RAI MAHASAI:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether the statistical returns are obtained annually from the public libraries by the District Inspectors of Schools, Hooghly and other districts?

(*b*) How many of the libraries in each district submit such returns and what action is taken on these returns?

(*c*) Will the Hon'ble Minister be pleased to state the nature of training given to the teachers at the Teachers' Training Colleges and in Normal Training Schools for the management of the school libraries?

(*d*) Is it a fact that efficiency of teachers is tested by the Inspectors of the Education Department in popularizing the school libraries to create a regular reading habit among the students?

(*e*) If the answer to clause (*d*) is in the negative, are the Government considering the desirability of issuing necessary instructions to the staff of the Education Department on the subject?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): (*a*) Returns are obtained annually by the District Inspectors of Schools from Scientific and Literary Societies which include public libraries.

(*b*) Government have no separate information in regard to public libraries. The returns referred to in the answer to (*a*) above are consolidated and recorded.

(*c*) None.

(*d*) No special test of efficiency is held, but teachers are urged to suggest suitable books to boys for home study and thus to foster a regular reading habit.

(*e*) Does not arise.

MUNINDRA DEB RAI MAHASAI: With reference to answer (*b*), will the Hon'ble Minister be pleased to state what objection there can be of having a separate return like this?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: The excessive labour and expenditure involved.

MUNINDRA DEB RAI MAHASAI: With reference to answer (*e*), will the Hon'ble Minister be pleased to state what objection there can be to issue the necessary instructions to the officers of the Education Department for the management of school libraries?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: That will necessitate the eptertainment of special teachers and will also mean extra expenditure.

Holiday for Y'azdaham Sharif.

*92. **Maulvi ABUL KASEM:** (*a*) Is the Hon'ble Member in charge of the Finance Department aware that Fatiha Y'azdaham is an important Muhammadan festival?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether the Government are considering the desirability of declaring the Y'azdaham Sharif as a holiday under an executive order?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) Government are not prepared to express an opinion as to the relative importance of Muhammadan festivals.

(*b*) No.

Independence Day celebrations.

*93. **Mr. NARENDRA KUMAR BASU:** Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact—

(*i*) that the Commissioner of Police ordered on the 25th January, 1932, the editors of the Calcutta newspapers not to publish any reports of the Independence Day celebrations; and

(*ii*) that he further directed the non-publication of that order?

The Hon'ble Mr. W. D. R. PRENTICE: (*i*) The Commissioner of Police ordered them not to publish notices or references advertising the celebrations on the 26th January.

(*ii*) Yes.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state whether in the opinion of Government the direction mentioned in answer (*ii*) is an honest direction?

Mr. PRESIDENT: I do not allow that question.

Mr. NARENDRA KUMAR BASU: The answer is that the Commissioner of Police directed the non-publication of the order which he made. I want to know whether Government endorsed it.

The Hon'ble Mr. W. D. R. PRENTICE: I am not aware that it was referred to Government.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state whether in a similar case Government will consider the fairness or otherwise of the order?

The Hon'ble Mr. W. D. R. PRENTICE: Each order will be considered on the circumstances thereof.

Text-Book Committee.

***94. Rai KESHAB CHANDRA BANERJI Bahadur:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware that certain serious mistakes have been pointed out in the text-books approved by the Bengal Text-Book Committee?

(*b*) Are the Government considering the desirability of—

(*i*) enlisting, in future, the services of experts on a more liberal scale;

(*ii*) introducing a system of payment for this important work; and

(*iii*) reviving the scheme of submission of fees along with text-books as originally devised but given up?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) Certain defects in some of the approved books were brought to the notice of the Text-Book Committee; these books have been re-examined and the defects communicated to the authors or publishers for correction.

(*b*) (*i*) Government recognise the desirability of utilising the services of experts and do so as far as the constitution of the Committee permits; a more extensive use of such experts is not possible until the scheme referred to in the answer to *b* (*ii*) and (*iii*) is introduced.

(*ii*) and (*iii*) A scheme has been framed and approved, whereby a charge will be made for each book submitted to the Committee for approval and fees will be paid for the examination of those books: effect could not be given to this scheme, as the financial effect could not be estimated, and it is not likely to be introduced until financial conditions improve.

3-30 p.m.

Rai KESHAB CHANDRA BANERJI Bahadur: Will the Hon'ble Minister be pleased to explain the defects mentioned in answer (*a*)?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: The cost of office establishment, etc.

Rai KESHAB CHANDRA BANERJI Bahadur: Will the Hon'ble Minister be pleased to state why the defects were not noticed by the Text-Book Committee?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: After all, the persons who go through these books are honorary workers and they might have overlooked these defects.

Rai KESHAB CHANDRA BANERJI Bahadur: Will the Hon'ble Minister be pleased to state whether such defects are of frequent occurrence?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: They are not of frequent occurrence, considering the fact that a very large number of books have to be gone through in a short time.

Rai KESHAB CHANDRA BANERJI Bahadur: Will the Hon'ble Minister be pleased to state whether he is aware of the existence of discontent among the public about the constitution and work of this body?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: No.

Babu JITENDRALAL BANNERJEE: Will the Hon'ble Minister be pleased to state the average of the number of books submitted to this committee during the last few years?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I want notice.

Babu JITENDRALAL BANNERJEE: Will the Hon'ble Minister be pleased to state the fee charged for each book?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: No fee is charged.

Rates for goods traffic.

***95. Mr. ANANDA MOHAN PODDAR:** (*a*) Is the Hon'ble Member in charge of the Commerce Department aware that owing to the general economic depression all over the country, the inland trade and commerce of Bengal have been considerably affected?

(*b*) Will the Hon'ble Member be pleased to state whether, in view of the economic and trade depression in the country, any reduction of freight for goods which may be calculated to help Bengal has been made by the railway and steamer companies in the year 1931?

(c) If the answer to (b) is in the negative, are the Government considering the desirability of recommending the railway and steamer authorities to give reduced freight facilities to Bengal for commodities such as cloth, cotton, timber, coal and leather, etc.?

The Hon'ble Mr. A. MARR: (a) Yes.

(b) Yes. The Joint Inland Steamer Companies and the Eastern Bengal Railway reduced their rates for goods traffic generally during 1931. The East Indian and the Bengal-Nagpur Railways were unable to reduce their rates.

(c) No. The Government of Bengal have no jurisdiction in this matter.

Rai Bahadur SATYENDRA KUMAR DAS: Will the Hon'ble Member be pleased to state if the reduction in the rate of carriage was effected at the request of the Government?

The Hon'ble Mr. A. MARR: I require notice.

Rai KESHAB CHANDRA BANERJI Bahadur: Will the Hon'ble Member be pleased to state the principle followed by the Eastern Bengal Railway and the steamer companies in reducing the rates?

The Hon'ble Mr. A. MARR: I am not aware what principle was followed.

Rai KESHAB CHANDRA BANERJI Bahadur: What is the percentage of reduction effected?

The Hon'ble Mr. A. MARR: I do not know.

Libraries.

*98. **MUNINDRA DEB RAI MAHASAI:** (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether copies of the resolutions adopted at the Third All-Bengal Library Conference held under the presidency of Mr. Newton Mohan Dutt, Curator of State Libraries, Baroda, have been forwarded to this Government?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, has been taken or is proposed to be taken on the same?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) No.

(*b*) Does not arise.

Mussalman Wakf Act.

*97. **Maulvi MUHAMMAD HOSSAIN:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether the Mussalman Wakf Act, 1923 (XLII of 1923), has been given effect to throughout the presidency of Bengal?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether any action has been taken by the different district judges of the province, particularly by the District Judge, Bakarganj?

(*c*) If the Act has not been given effect to, will the Hon'ble Minister be pleased to state—

(*i*) the reasons why the Act has not yet been given effect to; and

(*ii*) when the Government contemplate taking steps in the matter?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) Yes, sections 2 to 13 of the Act, with the exception of clause (*a*), and the words "in the case of any other wakf" in clause (*b*), of section 6, have been introduced in this province with effect from the 1st June, 1927.

(*b*) Government have no information.

(*c*) Does not arise.

Khan Bahadur MUHAMMAD ABDUL MOMIN: In view of the very great importance of this matter to the Moslem community, does not the Hon'ble Minister consider that Government should have information on this matter?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: So far the public have evinced no interest in this matter, because as far as we know, no action has yet been taken by a District Judge.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Is there any control over the action to be taken by a District Judge in this matter?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I want notice.

Circular forbidding teachers of Government schools from undertaking private tuition.

*98. **Mr. NARENDRA KUMAR BASU:** (*a*) Will the Minister in charge of the Education Department be pleased to state whether a circular has been issued forbidding teachers of Government schools from undertaking private tuition without the previous permission of Government being obtained in each particular case?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of an early modification of the order and of allowing teachers of Government schools to undertake the tuition of girls, and specially in places where there are no girls' schools?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) Yes, as under the Fundamental Rules the previous permission of Government is required before a Government servant may undertake outside work or accept remuneration for it.

(*b*) Government have recently formulated general principles to govern the consideration of each case. The question of delegating to subordinate authorities their power to grant permission in accordance with these principles is under consideration.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Minister be pleased to state whether one of the general principles formulated is to allow teachers of Government schools to undertake private tuition of girls, especially in places where there are no girl schools?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: No.

Mr. NARENDRA KUMAR BASU: Is the Government considering the desirability of a modification of the order allowing teachers of Government schools to undertake the tuition of girls, especially in places where there are no girl schools?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: If permission is asked for from Government, such permission is ordinarily granted subject to the rules already laid down in connection with private tuition by teachers of Government schools.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Minister be pleased to state if Government is considering the issue of a general rule of that description allowing teachers of Government schools to undertake tuition of girls in places where there are no girl schools?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: A general rule cannot be given except the principle that the application will have to be made to the subordinate authority for permission. Subject to that in all cases permission may be given wherever asked for.

Rai KESHAB CHANDRA BANERJI Bahadur: Will the Hon'ble Minister be pleased to state what he means by "subordinate authority"? Whether he means by it that the power is supposed to be delegated to the District Inspector or any officer subordinate to him?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: As a rule the Director of Public Instruction and in some cases the Inspector of Schools.

Bethune College.

***98A. Maulvi SYED JALALUDDIN HASHEMY:** (*a*) Is the Government aware of the fact that 66 girl students of the Bethune College have been rusticated by the Principal of the said College?

(*b*) If the answer to (*a*) be in the affirmative, is the Government aware of the reason of taking such a drastic step by the Principal?

(*c*) Is the Government aware of the fact that Sir Jadunath Sarkar, KT., *ex*-Vice-Chancellor of the Calcutta University, was refused interview by the Principal?

(*d*) Are the Government thinking the desirability of interfering in this matter? If not, why not?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) Yes, except that the number is incorrect. Fifty-four girls were rusticated and the rustication orders have been cancelled in the case of three girls.

(*b*) Yes.

(*c*) No. It is not a fact that he was refused an interview.

(*d*) No. They understand that the matter is under consideration by the governing body of the college and the Director of Public Instruction as the result of representations received.

Maulvi SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state the reason for Government not taking any action in the matter?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: In the interests of discipline.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Minister be pleased to state whether the rustication orders were passed in consultation with, or at the instance of, the Director of Public Instruction?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Yes, in consultation with the Director of Public Instruction.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Minister be pleased to state whether there was a meeting of the governing body held to consider the question?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Yes, there was a meeting of the governing body.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Minister be pleased to state whether the matter has been settled satisfactorily?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Yes, I think the Director of Public Instruction will accept the recommendations of the governing body.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Minister be pleased to assure the House that he will see that the matter will be satisfactorily settled, so that supplementary questions may not have to be put?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I cannot say definitely, but there is every probability that the recommendations of the governing body will be accepted by the Director of Public Instruction.

Unstarred Questions

(answers to which were laid on the table).

Propaganda for non-payment of dues in Tippera and other places.

54. Babu KHETTER MOHAN RAY: Will the Hon'ble Member in charge of the Political Department be pleased to state—

(i) whether the Government are aware of the mischievous propaganda for non-payment of rents and dues to the mahajans and traders, carried on by mischievous and revolutionary persons in the district of Tippera and other places; and

(ii) if so, whether the Government have taken or propose to take any steps to suppress the movement?

The Hon'ble Mr. W. D. R. PRENTICE: (*i*) Yes, in certain areas.

(*ii*) Action has been taken by the District Magistrates of Noakhali, Tippera and Mymensingh under the Criminal Procedure Code and the Emergency Powers Ordinance to stop mischievous propaganda. Since the riot at Hussainabad the police in Tippera district have been reinforced.

Provincial Engineering Service.

55. Maulvi SYED MAJID BAKSH: (*a*) Will the Hon'ble Minister in charge of the Public Works Department be pleased to state what educational qualification is necessary for the post of Assistant Engineer in the Provincial Engineering Service?

(*b*) Is it a fact that recently an overseer has been promoted to the Provincial Engineering Service with the rank of Assistant Engineer?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state under what special circumstances this gentleman has been promoted to the Provincial Service?

(*d*) Is it a fact that this gentleman is only a passed sub-overseer of a Technical School?

(*e*) Is it a fact that the promotion of this officer has resulted in the supersession of men with longer service who have held charge of subdivisions continuously for more than a decade and have unblemished record of services in the overseer's grade?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons of their supersession?

(*g*) Is there any age-limit under the rules to such promotions from Subordinate to Provincial Service?

(*h*) If so, will the Hon'ble Minister be pleased to lay a copy of the said rules on the table?

MINISTER in charge of PUBLIC WORKS DEPARTMENT (the Hon'ble Nawab K. G. M. Faroqui, Khan Bahadur): (*a*) The member is referred to Schedule III, 10 (*ii*), regarding direct recruitment and to Schedule II, 10 (*b*), regarding promotion from Subordinate Engineering Service in the Recruitment Rules for Provincial Services.

(*b*) Yes.

(*c*) On the strength of his record and the recommendation of the Bengal Selection Board.

(*d*) Yes, from the Bihar School of Engineering.

(*e*) Yes.

(*f*) They were age-barred.

(*g*) Yes.

(*h*) A copy of the rules is placed on the Library table. Rule V (*2*) (*b*) covers the case.

Midnapore Municipality.

56. Babu HOSENI ROUT: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether he has received a memorial submitted to him by a large number of rate-payers of the Midnapore Municipality bringing to his notice various instances of grossly improper, illegal and arbitrary mode of administration of the business of the municipality especially—

(*1*) in matters of finance,

(*2*) in matters of disposal of water-connections on paltry sum of premium of Rs. 10 and at concession rate contrary to the Resolution of the Board which are reported to have been taken and allowed most fraudulently, and to the great loss of the municipality on untrue representation, and unreal state of things; and

(*3*) in administration of Municipal Laws, observing the same more in their breaches?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether any action has already been taken or is proposed to be taken in the matter?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Bijoy Prasad Singh Roy): (*a*) A representation of this kind has been received with reference to the impending nomination of Commissioners.

(*b*) The matter will be considered when the Commissioner's proposals are received.

Arrests, conviction and detention under Ordinances.

57. Babu JATINDRA NATH BASU: Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing from the 1st December, 1931, to the 31st January, 1932,—

(*i*) how many persons were arrested in Bengal under the Ordinances promulgated since the 1st December, 1931, for being concerned or implicated in the civil disobedience movement;

(*ii*) how many of such persons were convicted; and

(*iii*) how many of such persons were in detention on the 31st January, 1932?

The Hon'ble Mr. W. D. R. PRENTICE: (*i*) 1,251 up to the 27th January.

(*ii*) 814 up to the 27th January.

(*iii*) The exact figures are not available.

Muslims in ministerial services in district offices.

58. Khan Bahadur Maulvi ALIMUZZAMAN CHAUDHURI: Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing the representation of Muslims in the ministerial services in the various offices of the districts in this province at the end of 1931 or at such other latest date for which figures are available?

The Hon'ble Sir B. B. GHOSE: A statement showing the percentage of Muhammadans in the ministerial services in the various district offices (including subdivisional offices) of the province on 31st March, 1931, is placed on the table.

Statement referred to in the answer to unstarred question No. 58.

District.	Total strength on 31st March, 1931.	Percentage of appointments held by Muhammadans.
Burdwan Division.		
Burdwan	120	23·3
Birbhum	54	33·3
Bankura	53	9·4
Midnapore	207	14·5
Hooghly	116	24·1
Howrah	72	25
Presidency Division.		
24-Parganas	205	28·3
Nadia	101	32·7
Murshidabad	95	34·7
Jessore	91	35·2
Khulna	81	32·1

District.	Total strength on 31st March, 1931.	Percentage of appointments held by Muhammadans.
Dacca Division.		
Dacca	175	36
Mymensingh	172	34·9
Faridpur	128	34·4
Bakarganj	164	34·7
Chittagong Division.		
Chittagong	217	40·5
Tippera	112	37·5
Noakhali	78	44·9
Rajshahi Division.		
Rajshahi	Not available.	32·9
Jalpaiguri	Ditto	32·1
Dinajpur	Ditto	37·7
Rangpur	Ditto	33·3
Bogra	Ditto	38·29
Pabna	Ditto	38·15
Malda	Ditto	53·6

Khan Bahadur MUHAMMAD ABDUL MOMIN: Does the Hon'ble Member consider the number of Muslims in the services to be satisfactory?

The Hon'ble Sir B. B. GHOSE: It is a matter of opinion.

Cadastral survey in Murshidabad.

59. Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: (*a*) Is the Hon'ble Member in charge of the Revenue Department aware of a feeling of discontent that has arisen among the landlords and tenants of the district of Murshidabad owing to the fact that the Government have realised the entire cost of the second cadastral survey and settlement undertaken in that district in pursuance of a notification issued in 1927 so soon after the final publication in 1921 of the previous cadastral survey records?

(*b*) Will the Hon'ble Member be pleased to state on what material the Government thought that a fit case for a fresh cadastral survey and settlement has arisen within seven years of the last?

(c) Will the Hon'ble Member be pleased to lay on the table copies of the entire correspondence or relevant portions thereof, that passed between the office of the Director of Land Records and the Government about the introduction of the second survey and settlement operation?

(d) Will the Hon'ble Member be pleased to state whether any landlord or any tenant requisitioned for copies of the said correspondence?

(e) Will the Hon'ble Member be pleased to state the justification for realising the cost of the whole operations from the landlords and tenants for fresh cadastral survey within seven years of the last?

(f) Is the Hon'ble Member aware that the landlords and tenants have been hard hit by the present economical distress and are practically unable to pay revenue and rent regularly?

(g) Will the Hon'ble Member be pleased to state whether there is any other instance where a fresh cadastral survey and settlement was undertaken within almost six or seven years of the previous one, without any demand either from the landlords or the tenants?

(h) Is the Hon'ble Member also aware—

(i) that suits and proceedings under the settlement record of 1921 are still going on; and

(ii) that this fresh cadastral survey has given rise to legal complications of diverse nature?

The Hon'ble Sir B. B. GHOSE: (a) No, except that two groups of landlords have recently objected to payment of their share of the costs. The tenants have been paying their share of the costs voluntarily without objection.

(b) It was reported that the villages are situated on the banks of rivers; that diara proceedings would be instituted, and that the maps and records would have to be brought up-to-date.

(c) Government do not consider it desirable to furnish copies of correspondence leading up to decisions in such cases.

(d) No such requisition can be traced.

(e) It was considered fair to recover the cost in respect of the area not under resumption as both landlords and tenants will benefit by having maps and records embodying the numerous changes which had taken place and showing the rents payable.

(f) Government are not aware that they have been so hard hit that they are unable to pay.

(g) No such instance is known.

(h) (i) No.

(ii) No.

Cess and revenue in Khulna.

60. Babu SUK LAL NAG: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table the papers relating to—

(*i*) the total amount of revenue charged; and

(*ii*) the total amount of cess assessed in the Khulna district?

(*b*) Will the Hon'ble Member be pleased to state whether there is any other district in the province where the cess assessed is so disproportionately high in comparison with the revenue charged?

The Hon'ble Sir B. B. GHOSE: (*a*) (*i*) and (*ii*) A statement is laid on the table.

Statement referred to in the answer to unstarred question No. 60 (a).

District of Khulna.

Demand of land revenue of all classes of estates in 1930-31—Rs. 8,73,016.

Demand of cess—

Estates held direct and Government estates leased to farmers, 1930-31—Rs. 50,000.

Other estates, 1930-31—Rs. 6,24,251.

(*b*) The proportion is very nearly as high in Mymensingh. It cannot be said to be disproportionately high in Khulna because the revenue of a considerable part of the area appertains to estates which pay revenue in other districts and a considerable part of the area is either revenue-free or assessed at an exceptionally low revenue.

Chittagong Medical School.

61. Rai KAMINI KUMAR DAS Bahadur: (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware—

(*i*) that the third year class of the Chittagong Medical School has not been opened this year;

(*ii*) that the opening was already due?

(*b*) Is the Hon'ble Minister aware that there are a good many students in the second year class who will be put to difficulty?

(*c*) Are the Government considering the desirability of taking steps to open the third and fourth year classes?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (*a*) (*i*) Yes.

(*ii*) This is incorrect. The class is not due to open till July, 1932.

(*b*) Does not arise.

(*c*) Yes.

Dr. AMULYA RATAN GHOSE: Will the Hon'ble Minister be pleased to state, with reference to his answer to question (*c*), when a decision is expected to be made on this matter?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I cannot give any definite date; the matter is under consideration.

Dr. AMULYA RATAN GHOSE: When the students pass out from the second year class, where will they go if the third year class be not opened before then?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Surely they will go to other schools.

Post of Mathematics Professor, Presidency College, Calcutta.

62. Maulvi MUHAMMAD SOLAIMAN: (*a*) Is the Hon'ble Minister in charge of the Education Department aware that Dr. J. Ghosh, recently a lecturer in the Dacca University, has been appointed as a Professor of Mathematics in the Presidency College on Rs. 750 a month?

(*b*) Was this vacancy duly advertised?

(*c*) Were any steps taken to ascertain whether there were other qualified persons available who would have accepted the appointment on less pay?

(*d*) Are the Government considering the desirability, on the expiry of the temporary tenure of the post of Dr. Ghosh, of advertising the post and of endeavouring to obtain a qualified person on less pay?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) Yes.

(*b*) Yes.

(*c*) The question does not arise: the pay offered in the advertisement for the post was based upon age and all applications for the post were duly considered.

(*d*) Government are not prepared to state at present what steps they will take when the present temporary arrangements cease.

Point of order.

Mr. SHANTI SHEKHARESWAR RAY: Sir, may I rise on a point of order? I have just received a circular giving notice of two resolutions to be moved to-morrow afternoon. Will it be permissible to send notice of amendments in respect of these motions, and if so, when?

Mr. PRESIDENT: If I remember aright, in a similar case I was able to convince the House that amendments, in regard to special short-notice motions of this character, should be ordinarily discouraged. In my opinion, it is sufficient for members to criticise such motions in their speeches; but in spite of my advice, if any member wishes to send in any amendment, I have to consider it on its own merits. It must, however, be left to my discretion as to whether such short-notice amendments should be admitted or not.

General discussion of the Budget of the Government of Bengal for 1932-33.

Mr. J. N. GUPTA: Sir, in his speech introducing the budget for the next year, my hon'ble friend, the Finance Member, has presented such a dismal picture that there is no need for any embellishment from any other member of the House. I must first of all commiserate with him for having had the misfortune of being associated with the finances of this province during what we sincerely hope future historians might find to be the darkest days of the province. Sir, the Finance Member was anxious to save harrowing our feelings by not going too far into the sombre details of the picture, but the outstanding features of the budget of a deficit of over Rs. 2,00,00,000 in our revenues and the piling up of a recurring annual burden of nearly Rs. 26,00,000 on our shoulders for the repayment of the loans which we will have to take from the Government of India to save the Government from financial collapse and bankruptcy are sufficiently depressing to have any margin for any further harrowing of our feelings. There may be some who might be

inclined to give us the cold comfort that if we appear to be on the verge of financial bankruptcy, the condition of the sister provinces and presidencies and of the Central Government itself is not very much better But, Sir, even this comfort will not bear close scrutiny, as a little consideration will show that our financial plight is the worst because thanks to the atrociously unjust treatment which this province has had the misfortune to submit to at the hands of the Government of India for decades past, we have already been stripped to the bone and our financial resources are the poorest of any province in India being, as I have so often said in this House, one-third of Bombay and less than half of Madras leaving us no reserve whatsoever to meet such calamities. Suffering as we have been from chronic starvation, this collapse of our slender resources which will leave just over Rs. 9,00,00,000 for catering to the needs of population of over 50 millions is a staggering blow and a calamity which is without a parallel in any other province of India.

3-45 p.m.

And if our financial resources go on dwindling at the present rate and if the forces of economic and trade depression and stagnation are not counteracted and overcome, it is a moot question whether the introduction of a more democratic and perhaps more expensive scheme of administration may not prove to be a serious handicap to the province instead of being a blessing. The question which, therefore, must necessarily arise in the minds of all of us is whether the Government at this supreme hour of the nation's misfortune have shown that clarity of judgment, sincerity of purpose and determination to subordinate all other considerations to the supreme consideration of securing the solvency of the province, which we all have a right to expect of them. The first question which the Government will, therefore, have to answer is whether instead of simply relying on the easy and irresponsible resource of borrowing money which a future Government will have to repay and undertaking responsibilities and liabilities without any guarantee that resources will be forthcoming for discharging these liabilities, have the Bengal Government shown any earnestness of purpose and a genuine determination to effect all possible economies to cut down their expenditure to the narrowest margin and to avoid all unnecessary expenditure in the sense of their not being wanted to carry on the essential functions of a government? Sir, while moving the resolution on the need of the appointment of a Retrenchment Committee for this province, I attempted to show that the need for retrenchment in this province was more urgent and imperious than that of any other province and that the economies already effected by the Government, as disclosed in the memorandum on the subject issued by them, were entirely inadequate and that the main issues and major economies which were being tackled and considered by the Central Government and the other provinces had been evaded.

Sir, I need not repeat here the arguments on which I based my contentions, but from the fact that my resolution was carried unanimously without a dissentient voice from any part of the House, one would be justified in presuming that these arguments were considered sufficient by the House and we naturally looked upon the Government to implement the unanimous verdict of the House by appointing a strong Retrenchment Committee and going to work in a businesslike way without a moment's delay. I suppose, Sir, that the matter is under the consideration of the Government. While our Government are still considering what have other governments been doing or have already done? Let us take the case of the Government of the United Provinces, for instance, who published a memorandum on their Retrenchment Scheme as an annexure to the budget for 1932-33 and which was supplied to the members of their Council. But first I will refer to one notable passage in the speech of the Hon'ble Finance Member of the United Provinces: "It is vain to deny", said the Finance Member, "that past budgets have been too optimistic and past expenditure too heavy. But I do not propose to dwell either on past mistakes or past calamities. Dropping tears over spilt milk is an unprofitable task. It is better to see what can be done to meet it up." It is this spirit which we would so much desire the Government to evince and which unfortunately seems to be so lamentably lacking in Bengal. Let us now follow the Finance Members of the two provinces and see what efforts have been made in their respective Governments to meet the financial crisis with which they are faced. The Hon'ble Mr. Marr in describing the economies made during the current year states: "As regards expenditure, much of the economies which Government were faced to effect in 1930-31 were carried forward into the current year and in addition to this Government have reduced the expenditure on travelling and conveyance allowance and also the initial pay of new appointments under their control, while a general 10 *per cent.* cut in pay has been effected during the last quarter." This summarizes the nature of the total economies effected by the Bengal Government during the current year, though the Finance Member has not given any figures to show the savings effected under each of the above heads of retrenchment except that the 10 per cent. cut in pay saved over Rs. 9,00,000 during the three months of its operation during the present year. It is, therefore, somewhat difficult to tell how the difference between the budgeted grant for the year and the revised estimate showing a decrease of Rs. 44,15,000 has been brought about. It must be mostly due, one presumes, to postponement and abandonment of projects and schemes under the different departments. For the next year 1932-33—the year of the budget we are discussing—the only two economies anticipated are a sum of Rs. 36,90,000 on account of the 10 per cent. cut in salaries and a saving of Rs. 1,54,000 on account of reduced travelling allowance rules, etc. Against these savings there are numerous heads in which there will be additional expenditure and

the Finance Member is able to show a reduction of Rs. 91,000 only and in the next year's expenditure as compared with the revised estimate of the present year. Turning now to the statement made by the Finance Member of the United Provinces, one cannot help being struck as much by its lucid exposition of facts as the grasp of the difficulties of the situation and the determination of the Government to face these difficulties squarely by visualizing the effect of the retrenchments which they have adopted over a sufficiently long period, the quinquennium beginning from the present year. It will serve no useful purpose to follow the Hon'ble Mr. Blunt into the details of his schemes of retrenchment, but it would appear that not taking into account proposals which are still under consideration there will be during 1931-32 and 1932-33 a total retrenchment of Rs. 1,35,00,000; of these the cut in pay will produce Rs. 40,25,000, the acceptance of the recommendations of the Retrenchment Committee Rs. 13,00,000, whereas retrenchments enforced by Government amount to Rs. 82,00,000. During the present year, the retrenchments effected by the United Provinces Government amount to Rs. 68,25,000, the largest contribution being made by Land Revenue where the whole provision made for survey and settlement amounting to Rs. 14,25,000 has been dispensed with, but all departments have contributed and in the Police budget there is a reduction of Rs. 10,75,000 and so forth. For the next year, the total reductions will be Rs. 77,25,000 and every department will contribute including the Police which will again be reduced by another Rs. 4,50,000 and a detailed statement has been given in the annexure shewing the various posts which have been abolished. It has to be noted that in addition to these retrenchments which the United Provinces Government have already ordered, there are other important schemes of retrenchment on the anvil and the Hon'ble Finance Member stated: "In short, the ultimate reduction in expenditure, which will result from the retrenchment operations now in progress, amounts to a little over Rs. 3,00,00,000." This is something like business and our Government and the Provincial Retrenchment Committee—if one is appointed—will do well to carefully study the lines on which Sir Malcolm Hailey's Government have worked. When the budget allotments are discussed in Council, we hope to make our suggestions on different heads for the consideration of Government.

I am, however, in entire unanimity with the Finance Member that mere economies in the cost of the administration will be of no avail in Bengal and unless the inequities and injustice of the existing financial arrangements are rectified, there cannot be much hope of any salvation for this province. We understand the Finance Member and his Secretary are shortly proceeding to Delhi to appear before Round Table Conference Finance Committee and we wish and trust that their mission will meet with that success which it so eminently deserves. We hope

at any rate that they will succeed in securing for Bengal at least a substantial portion of her income-tax revenue and the proceeds from the duty on jute exported from this province and a position of equality with the other major provinces of India.

[At this stage the member reached the time-limit, but was allowed two minutes more.]

Having taken up so much of the time of the House in discussing the immediate financial issues raised by the budget, I crave permission to refer briefly to the larger and perhaps more important issues which have determined and are in a great measure responsible for the lamentable fall in our revenues and the consequent precariousness of our budget. The economic crisis is worldwide we know, but the political situation in India has also greatly added to our special difficulties. The Government of India and the Local Governments are engaged in what they consider to be the best means for removing political interference with the normal course of business and for restoring public confidence and for upholding the liberty of the individual to carry on his avocations unmolested by the dictates of any political organization, however powerful and however well-meaning and patriotic its aims and ideals may be. I have no desire, Sir, to stray into a discussion of the wisdom or otherwise of the present policy of the Indian Government in dealing with the Congress organisation. But I think I voice the feelings and sentiments of almost the entire Indian community in Bengal when I say that we think that now that the supremacy of Government has been so amply and fully vindicated, true statesmanship would seem to indicate that the time has come for initiating a policy of leniency and conciliation. There is not the remotest chance of such a policy being mistaken for weakness, on the other hand, it will be hailed as a sure vindication of British courage and statesmanship. Sir, however unpalatable it may be to some, there is no denying the fact that the Congress has the largest following amongst the politically minded people of India and by simply driving underground people's respect and sympathy for the Congress, you will not restore public confidence and call forth any large measure of co-operation in the laudable efforts of the Government to restore and revive the normal commercial and industrial activities of the community. By preventing *hartal* and boycott, you cannot compel people to pursue avocations which they may not have a spontaneous inclination to pursue just as you cannot make a horse drink though you may compel it to go to the pool. Sir, having exposed the hollowness of the pretensions of the Congress to be a rival authority with the Government and having fully vindicated the power of the Government to protect the individual against the dominance of the many, it is time now that Government should once more withdraw its heavy hand so that there may be a spontaneous return of public confidence in pursuing the daily avocations of life and of business enterprise. It is only when there is such a spontaneous resuscitation of natural activities which are

now paralysed that business will revive and with the revival of business, the resources of the Government will again show signs of ascending the upward curve.

I appeal to the Treasury Bench, I appeal to Mr. Prentice, that if he is at all anxious to help his friend, the Hon'ble Finance Member, he must lose no further time in inaugurating a more lenient policy in dealing with the political situation in Bengal. Indeed the matter is of such vital importance to the province that I take the liberty of appealing to His Excellency Sir Stanley Jackson who even in the few days that he might have left of his rule in Bengal, may earn the lasting gratitude of the people of Bengal by at least initiating a change in the present policy which might be fully developed and expanded by his successor.

[At 4 p.m. the Council was adjourned for prayer and it reassembled at 4-15 p.m.]

Babu SATYENDRA NATH ROY: Sir, when the Hon'ble the Finance Member is lamenting over the financial position of the province, what can we, the elected members, say in our budget speech, what can we put forward for the transferred departments, the departments which even in fat and prosperous years did not at all have the shadow of a legitimate share in the finances of the province? There is the deficit of over Rs. 2,00,00,000 for the next year and we shall have to pay Rs. 15,00,000 for a period of 50 years for one year's deficit. I do not know if this deficit would be more than the amount anticipated by the Hon'ble the Finance Member for the next year and also if the period of deficit would not extend beyond March 1933. If so, then woe be to Bengal and to the method of administration to be burdened with an unproductive debt of several crores. I think we are laying too much blame on the world economic situation, for I apprehend the two sources of income which have affected the financial situation are stamps and excise. With a better outlook in the world trade conditions, stamps may improve to some extent, but I have much doubt about excise.

In my humble opinion, there are two ways to meet this present and future deficits. One is to have larger revenue, not by means of fresh taxation for Bengal is already overburdened both with Central and provincial taxation, but by having a larger share of the Central taxation in future years. For this we shall have to press our case before the Federal Finance Committee. I understand Mr. Marr is going to Delhi next week for the purpose and I am quite sure that he would do his utmost for our province. May I suggest in this connection that a small committee consisting of official and non-official members of this Council be also asked to press the case of our province before the Federal Finance Committee? Should not Bengal get a share of the heavy income-tax

which she pays to the Central Government and should not the duty from jute export from Bengal be entirely allotted to her? Her people, the landlords, middlemen and cultivators, are suffering from this slump in jute trade—a trade which is her own monopoly and in all justice and fairness this duty should come to her.

The other way to meet the growing deficit is retrenchment. A resolution was carried in this Council only a few days ago and we were assured that a Retrenchment Committee would be soon constituted. I hope Government would constitute the committee without further delay and the members would set to work as early as possible.

For the consideration of Government and the Retrenchment Committee, I would say that the 10 *per cent.* cut in the salaries is not the only retrenchment which should have been adopted. This cut, I think, has proved a hardship on some officers. What more is wanted is the abolition of certain superfluous posts. First I would mention the posts of Commissioners of Divisions. The Retrenchment Committee of 1921-22 recommended its abolition and the recent Bihar Government Retrenchment Committee has also recommended its abolition. Secondly, the abolition of a portion of the inspecting staff in the Education Department—there are more circulars, more Inspectors, more travelling allowances than needed and less grant to schools and colleges. Thirdly, I would suggest the abolition of some duplicate appointments, *e.g.*, the posts of one Deputy Commissioner of Excise, one Deputy Director of Agriculture, Deputy Chief Inspector of Boilers, and some Additional District Magistrates. Regarding the last item, I would bring to the notice of the members of this Council that about twenty years ago in some heavy districts Additional District Magistrates had to be appointed to relieve the magistrates. District Magistrates were then chairmen of district boards and had to look after the heavy work of the boards. District Magistrates have now been relieved of district board work and the appointments of Additional District Magistrates should be only occasional and temporary and last but not the least I would urge the reduction in the number of Executive Councillors and Ministers.

I would now mention a few items in the budget itself. The grant of Rs. 1 lakh to the "Jatiya Aurbignan Parishad" is welcome but the cut of Rs. 15,000 for rural water-supply is wholly unjustifiable. We have not been able to get over the commitment of a former Minister and had to make a provision of Rs. 2,70,000 for the Bhatpara Sewerage Scheme even in such a year of stringency.

Sir, we are looking forward to the new Constitution, but we do not know when it is to come and what it would be. Shall we get a real provincial autonomy or a sham one? There is no doubt that with the best of intentions of the British Parliament as declared in the memorable announcement of 20th August, 1917, this present diarchical machinery at least in Bengal has utterly failed. When about thirty members of

the Council resigned in January, 1930, because their opinion was that no good had come and no good would come by remaining in this Council and some of us came in in the fresh elections, we were in the hope that we would be able to work the constitution to some extent and we tried to impress this fact upon the electors during our elections. Now what is the verdict after these two years? The verdict is that we have not been able to move an inch this present system of Government, we have not been able to get a pice more for sanitation, education of the people, and that repressive laws had been passed in spite of our protest and the works of co-operators and non-co-operators have been the same. Sir, most probably the life of the present Council would terminate soon and the experience of these years should be prominently brought forward before the several committees and the final sitting of the Round Table Conference.

Then remains the question of terrorism. I think all are agreed that terrorism must be suppressed and terrorists must know that bombs and revolvers would not bring independence to India but in suppressing terrorism Government have gone to suppress honest political opinion and in putting to incarceration in jails all persons holding such opinions. Difference in political opinion there must be for a healthy administration and Government should differentiate between the terrorists and the largest political group of India. A calm and cool atmosphere must be brought about before the inauguration of the Reforms, so that India may launch on a self-government which will be the political and economic salvation of her people, for the glory both of India and Britain.

4-30 p.m.

Rai Bahadur Dr. HARIDHAN DUTT: The budget estimates for 1932-33 presented by the Hon'ble Finance Member make dismal reading, but we cannot but sympathise with him in his difficulties and appreciate his efforts to find enough funds to meet the expenditure. It is satisfactory, so far as it goes, that in spite of supplementary grants aggregating nearly Rs. 7,50,000 made during the year, the revised estimate of expenditure for the current year is less than the original estimate by Rs. 36,75,000. It is unfortunate that the expenditure on "Education (Transferred), Medical and Public Health"—departments which directly affect the health and well being of the people—has had to be cut down by nearly Rs. 10,00,000. It is noteworthy, however, that while the fall in revenue in the revised estimate, as compared with the original estimates, amounts to Rs. 1,46,00,000, there is only a saving of Rs. 36,75,000 on the expenditure side as a partial set off.

Another disquieting feature, which a study of the last four or five years' figures brings out, is that the expenditure is either in excess

of the year's revenue or about equal to it, leaving very little margin. For instance, in 1928-29, the revenue was Rs. 10,98,00,000; the expenditure Rs. 10,90,00,000, leaving a balance of Rs. 8,00,000 only. In the following year, 1929-30, the margin was even less and was only Rs. 2,38,000. In 1930-31, the expenditure was in excess of the year's revenue by Rs. 1,74,50,000; in the current year the deficit is estimated at Rs. 2,07,50,000. In the ensuing year, the deficit will be Rs. 1,63,00,000. When I was officially connected with the Corporation of Calcutta, some years ago, I remember reading, in some correspondence between Government and the Corporation, a homily by Government about the financial wisdom of keeping the year's expenditure within the year's revenue. One cannot help wishing that the Government of Bengal themselves practised the financial maxims which they are so loud in preaching to others.

Although, admittedly economies have been effected by a percentage cut in salaries, it is doubtful if it will ever be possible to rehabilitate the provincial finances except by a root and branch change of the entire system of administration. Some years ago, Government appointed a committee to consider proposals for retrenchment and we are told whenever any question is raised that whatever was possible in the way of retrenchment and reducing the cost of administration has been done. I beg leave to emphatically dissent from this view. I can, for instance, recall one suggestion which was made but which has not yet been given effect to to which reference has already been made to-day, viz., the abolition of the Divisional Commissionerships. It has also to be considered whether the form of Government that is being developed is not much too costly for a poor country like ours. I venture to suggest that the time has arrived when the whole provincial expenditure on general and district administration should be subjected to a critical and dispassionate examination, and the establishments fixed and a scale of salaries adopted which will be within our humble means. If Government will spend less on salaries of the Superior Services on the plea of efficiency and maintaining the British tone of administration, and if they will embark on a bold and comprehensive programme for extension of primary education and medical relief, for better water-supply in villages and other schemes for rural uplift, for the improvement of agriculture and the encouragement of indigenous industries, much of the political unrest which is so much in evidence to-day will, I make bold to say, vanish. Otherwise it will continue, perhaps in a more accentuated form, in spite of any constitutional reforms you may effect.

Coming to the details of the budget before us, I find that the next year's budget includes a sum of Rs. 6 lakhs, being Bengal's share of the import duty on foreign salt. This is a new source which is likely to be temporary and I would suggest for the consideration of the Hon'ble

Finance Member if it would be prudent to utilise it for the ordinary expenditure of this province. There is no knowing whether the Government of India will continue it or do away with it altogether within the next month or so. To rely upon such revenue does not seem to me a wise course.

Under Excise, I find that in five years the revenue has fallen off by 25 *per cent.*, i.e., from about Rs. 2,25,00,000 in 1928-29 to Rs. 1,68,00,000 in 1932-33. As an active worker in the Temperance movement, I certainly welcome this decline in spite of its adverse effect on the provincial finances. I would, however, point out in this connection that while the revenue has dwindled down by Rs. 57,00,000 in five years, the expenditure is less by only Rs. 5,00,000 than in 1928-29, and I would draw the pointed attention of the Hon'ble Minister to this fact. It is a matter for serious consideration whether the whole scheme of excise administration should not be readjusted so as to correspond with the fall in revenue.

In going through the budget one is struck by an apparent anomaly that while almost every head of revenue shows a substantial decline owing to trade depression and other economic causes, the proceeds from the entertainment tax have declined very little. The bulk of this tax is derived from Calcutta, and it is a fortunate circumstance that the world-wide economic depression has not appreciably affected the capacity of the people, especially of the city, to have occasional resort to amusement.

Under Irrigation, I find a provision of Rs. 2,50,000, being the Government share of the cost of reconstruction of six bridges over canals in Calcutta. I would like to know whether this will complete Government's share of the expenditure.

I find provision of a lakh of rupees for advance for rural water-supply; I heartily wish it had been possible for the Minister to secure more money for this very useful work in the villages.

Under Medical, I find the provision in the next year's estimate shows a decrease of only Rs. 4,00,000. It is gratifying that in spite of the financial stringency, the Hon'ble Finance Member has found it possible to allot Rs. 25,000 to the Calcutta Medical Institute, Rs. 20,000 to the Carmichael Medical College, Rs. 1 lakh to the "Jatiya Ayurbijnan Parishad" which, as we all know, is serving a laudable object in this city. It is not understood, however, why no grant is proposed in the case of the Countess of Dufferin Fund. I happen to be aware of the difficulty under which this Fund is labouring and I do not know why no help is given by Government to this Fund. In spite of these special grants, I feel bound to bring to the notice of Government the utter

inadequacy of hospital accommodation in Calcutta and the immediate need of further expansion. It is a perfect scandal, which is year by year reported by the Chief Officer of the Calcutta Fire Brigade in his Annual Report that patients have to be taken from one hospital to another for accommodation in the ambulances and finally left back at their residences. I regret the absence of the Hon'ble Minister from his seat when a complaint like this is made in Council. In his last report, Captain Westbrook has stated that in 1930-31, 301 patients had to be taken to 2 hospitals, 82 patients to 3 hospitals, 28 patients to 4 hospitals, 10 to 5 hospitals, 7 to 6 hospitals, and so on, and in 2 cases the patients had to be taken to 11 hospitals before they could secure some accommodation! There was also a case recently reported in the Press that a patient was picked up from the roadside by the ambulance, but as there was no accommodation in any hospital, he had to be put back on the roadside. This requires no commentary. The situation is appalling to a degree. The Corporation of Calcutta working under the new Act have, I must admit, been far more generous than the old Corporation in the matter of expenditure on medical relief and opening of dispensaries, etc. Their expenditure on hospitals and dispensaries has grown from Rs. 3,60,000 in 1923-24 to Rs. 10,08,000 in 1930-31; that is to say, the expenditure has practically been trebled in the course of seven years. The Corporation's grants to hospitals amounted to only Rs. 1,80,000 seven years ago, the grants in 1930-31 amounted to Rs. 4,45,000 including the grants to Ward Health Associations. Although the primary responsibility for medical relief in Calcutta belongs to Government, the Corporation have taken a liberal view of their duties and there is a genuine desire on their part to do even more. In view of the serious situation that already exists in the city, in regard to hospital accommodation, I would urge upon Government that they should, in collaboration with the Corporation, at once adopt measures to redress the present state of affairs.

Under Public Health, I am disappointed that the expenditure on rural public health units could not be worked up to, and the provision for 1932-33 is less than the current year's figure by a lakh and a half. I regret also the decrease, though small, in the Maternity and Child-welfare grant.

I shall conclude, as I began, by saying that the best way to allay discontent is to undertake public health work and medical relief in rural areas on a vastly larger scale than has hitherto been considered possible.

Another matter which calls for urgent action on the part of Government is about lepers and beggars in Calcutta. They constitute a serious menace to public health and it is time that effective steps were taken in the matter.

Babu SUK LAL NAG: President, Sir, we have been surprised to see such a great deficit in the Bengal budget and I am sorry to say that I cannot congratulate the Hon'ble Finance Member for the way in which he met the deficit, that is, by borrowing. We could have congratulated him if he could find ways and means to meet the deficit or at least a large portion of it without taking recourse to the very easy way of borrowing. Who knows that there will not be more decrease in the income at the various departments of the Government in the next year? And if the process of borrowing goes on to meet high expenditure of top-heavy departments, without finding any ways and means to curtail the expenditure, the whole administration would be at a stand-still.

I. Now, to curtail the expenditure, the following suggestions may be taken into consideration, namely:—

(*a*) A very large amount of money may be set free, if some posts of high-salaried officers be abolished.

(*b*) Some curtailment may be made in the appointment of Excise Superintendents and District Agricultural Officers. Considering the nature of the works and the duties they have to perform, I think, one Excise Superintendent and one District Agricultural Officer may easily manage the works of two adjoining districts. Of course, this rule may be relaxed for districts having very large areas.

(*c*) Instead of having a uniform ten *per cent.* cut in the pay of posts and services, as has been done by Government, I think more money will be available and without the least possible inequity, if such cut be made in the scale as suggested below:—

(*i*) there should be no cut on any pay up to Rs. 100 per month;

(*ii*) cut should be made from Rs. 101 up to Rs. 1,000 at 10 *per cent.* per month;

(*iii*) from Rs. 1,001 to Rs. 2,000, at 15 *per cent.* a month;

(*iv*) from Rs. 2,001 to Rs. 3,000, at 20 *per cent.* a month, and

(*v*) from Rs. 3,001 and upwards, at 25 *per cent.* a month.

II. As regards communications, irrigation, building and repairs—The prices of building materials and the wages of labourers having enormously fallen, the rates offered to contractors for communication, repairs and other works, should be reduced. Unfortunately the old rates have not been revised in spite of the facts mentioned above. The estimates prepared long ago for works not taken up as yet, should be revised at a reduced rate and fresh tenders should be called for those works.

III. Next we see that there is falling of regular realisation of land revenue. In my opinion, in order to facilitate such payments, the following points may be noted:—

(*a*) The proprietors should be allowed to pay their land revenue in four equal instalments at an interval of three months.

(*b*) For the January *kist*, last date of payment should be fixed on 31st January, instead of 12th January.

(*c*) In cases of defaults, at least two months' time should be allowed for such payments, instead of advertising their estates for sale.

I venture to draw the attention of the Government to the crying need to amend the Cess Act. At present the duty to realise cesses is cast on the *zamindars*, who have to pay cesses, whether realised or not, along with land revenue. It is well known that tenants are unable to pay cesses in time so that *zamindars*, though paying the revenue, find themselves unable to pay the cess from their own pocket. So we find very many estates being put up for sale because of the failure on the part of the *zamindars* to pay cess. This is a very great hardship and I submit, *zamindars* should be relieved of this burden. The Government must take up the task of realising the cesses direct or empower the district board to collect these. I suggest that the Hon'ble Member in charge of the Revenue Department should take up this idea. I may mention here that in the Khulna district, the land revenue is about Rs. 9,00,000 and the cess comes up to the abnormal sum of Rs. 7,00,000. From this, the plight of the Khulna *zamindars*, may be judged.

IV. As regards education—The pay of teachers in Government educational institutions is very high, in comparison with that of teachers in private and Government-aided institutions, although the academic qualifications of teachers of all these institutions, are of the same order. So the pay of teachers in Government institutions should be reduced. The grants to non-Government Art colleges and direct grant to non-Government secondary schools, have been awfully curtailed.

V. The last, though not the least, is the abnormal expenditure incurred by the Government for the maintenance of the police. The number of police officers, both high and low, has enormously increased. There were less dacoities, thefts and rioting in Bengal in the past when the number of police officers was nearly half or even less than what we have at present. I cannot congratulate the Police Department for the quality of their services rendered to the public. Highly educated, honest and efficient police officers should be appointed instead of

appointing a host of unqualified and inefficient officers. We regret to find that the more the increase of police officers, the less efficient is the work.

As a matter of experiment, let us see, if we can do better with less number with higher efficiency.

I beg to draw the attention of the Government to the observations stated above and for consideration.

Maulvi SYED JALALUDDIN HASHEMY: On a point of information, Sir. May I know whether it is permissible for the Hon'ble Member in charge of the Budget to remain outside the Chamber while discussion on the budget is going on?

Mr. PRESIDENT: I understand that other members of Government are taking notes of what is being discussed.

Rai SATYENDRA KUMAR DAS Bahadur: Sir, I wish to speak a few words not for the purpose of criticising the budget but for making some suggestions to the Finance Member for balancing the budget, for I think it my duty not only as a member of this Council but also as a businessman to lay these points before the Government members.

Sir, the Hon'ble Finance Member has presented us with a huge deficit budget. I am sure this has made every one of this House sad and serious over the astounding figures he disclosed. He told us that was his last performance. We wish we could congratulate him. At any rate we sympathise with him, not for his own admission the lamentable results he has produced, but for his utter helplessness in the matter. It was evident that he could not supply all the cloth that was rightly or wrongly necessary for abnormally long coat of Bengal's administration.

Last year our deficit estimate was Rs. 98,00,000, but we built on false hopes as our actual deficit for the last year was about Rs. 2,11,00,000, our expectations were not realised.

This year the Hon'ble Finance Member has estimated our probable deficit to be Rs. 1,64,00,000, *i.e.*, Rs. 66,00,000 more than the estimate of the past year. Now, Sir, I most respectfully submit if the deficit estimate of Rs. 98,00,000 of last year could develop into Rs. 2,11,00,000, conditions remaining the same, what prevents the deficit estimate of Rs. 1,64,00,000 developing into Rs. 3,58,00,000? The two conditions, *viz.*, (1) world-wide trade depression and (2) political situation in Bengal, which the Hon'ble Finance Member referred to as responsible

for our deficit, are not likely to improve in the coming year; but there is every chance that they will get worse, hence by the end of the coming year our deficit on current year's basis is likely to be more than Rs. 3,50,00,000.

Add to it Rs. 2,11,00,000 of the present year. Then in all probability our deficit figure will swell to Rs. 5,66,00,000 by the end of 31st March, 1933. I am sorry to say I find no way out of it. Even the most optimistic heart will tremble before this figure. The Hon'ble Finance Member admits that the present picture is a distressing one! Well, Sir, pardon me, distressing is not the actual word for it, it is breaking the wheels of administrative machinery and I cherish no doubt that unless a miracle happens, we are leading the present Government to utter bankruptcy, but Sir, miracles nowadays are few and far between.

The Hon'ble Home Member may exclaim "Oh there is civil disobedience movement, there are terrorists in Bengal.....so on so forth what can I do? And what can even Hon'ble Finance Member do?" But I submit, Sir, it is not always a correct statement of facts. Almost the whole period, when the expenditure ran high and we incurred this huge deficit, was covered by the Delhi agreement, now a scrap of paper, and negotiations for that. Then there were few terrorists abroad, and congress not only laid down its non-violent arms, but actually co-operated with the Government. It is now a matter of history and none can efface it. It is not correct to suggest, as suggested by the Hon'ble Finance Member, that because the political situation did not improve, deficit is a logical consequence. Sir, I submit, as mentioned aforesaid, the political situation did improve, and the Hon'ble Finance Member has presented us this abnormally huge deficit budget in spite of it. The coming year is decidedly more gloomy and the result will be more "lamentable." I confess I shudder to think what may come.

Now, Sir, what is the actual problem and what may be the possible solution? The Hon'ble Finance Member has made the Meston Settlement to a certain extent responsible for our present financial crisis. We are thankful to him for that. The Hon'ble Finance Member has also assured us that he will shortly appear before the Federal Finance Committee and will plead on our behalf; we are again thankful to him for his very kind assurances. But, Sir, we cannot forget that we have already mortgaged our revenue to the extent of Rs. 14,00,000 a year to the India Government and for half a century. May we not justly claim its redemption? May we not claim our (*a*) income-tax and (*b*) salt tax?

Further taxation is out of the question. The Hon'ble Finance Member does not even dare suggest it, and there he is right.

Then what is the remedy? The Hon'ble Finance Member wants for the coming year's expenditure Rs. 11,85,52,000 including deficit of Rs. 1,64,00,000 as estimated. Well, Sir, my humble submission would be—Let Rs. 9,00,00,000 be fixed for the total expenditure for the coming year and let us adjust our expenditure to that amount without any deficit whatsoever and to achieve that end, I propose 10 *per cent.* general cut on all expenditures besides 10 *per cent.* in pay already decided upon, personally I shall be glad if more cut is feasible. It is not a new thing. In the year 1922 just after the Reform there was a general cut of 5 *per cent.* Let us repeat it on the eve of a greater Reform with greater sacrifice, if necessary.

Certain Departments can be temporarily suspended if not abolished, *i.e.*, (*a*) Commissionership and (*b*) Board of Revenue. These two offices can be closed and the Collectors can have direct touch with the Secretariat and the administration will not materially be hampered for all that.

Irrigation Department can be safely suspended for some years, as we have no money to carry out our plan of irrigation; why then keep the full staff with all its necessary and doubtful necessary paraphernalia?

Forest Department is too expensive and 20 to 30 *per cent.* cut can safely be risked. Assam Government has got more area for forest but managing with less cost than what we do here.

Government servants serving for last 20 years or more may be requested to resign and retire at once, and I venture to submit administration will not fail for that.

I pray, Sir, with all the emphasis I can command what logic is there in keeping full-fledged departments with their full staffs; why keep a boat when there is no boatman to pilot it? With these humble suggestions, Sir, I hope the Government will try to readjust the present budget so that a second budget for Home Member's supplementary grants before the coming year 1932-33 ends may not threaten us for a second time with a greater crisis.

Maulvi SYED JALALUDDIN HASHEMY: On a point of order, Sir. In view of the fact that a large number of members want to speak on the budget, will you kindly reduce the time-limit of speech from 15 minutes to 7½ minutes?

Mr. PRESIDENT: I have no objection if members make up their mind not to take more time. You have made a very good suggestion no doubt.

5 p.m.

Dr. NARESH CHANDRA SEN GUPTA: Sir, in a short while more the kindly face of the Hon'ble Mr. Marr and his genial personality will be as little visible in this chamber as it is at this moment. Every one will wish that his swan-song had struck a livelier note and on the eve of his departure from our midst he were spared the task of drawing a picture of unrelieved gloom. I wish I could feel that he was not at all to blame and could give him a word of comfort to tone down the sorrowful strains of his last performance on this stage.

But I regret to say that though the bulk of the trouble that the Government finds itself in is undeniably due to factors not under their control; the Government and its Finance Member must shoulder a great deal of responsibility for their sorry plight to-day. If Government were inspired by a sound financial policy, if its Finance Member were a statesman instead of being merely a clever and watchful accountant, if the Government had the imagination and foresight to trim their sails to the passing winds, their bark would not now have been heading straight for national bankruptcy. Last year, Sir, I characterised the budget of that year as the budget of a spendthrift and a libertine who would shut his eyes to his dwindling purse and build on the vague hope of something turning up. I said that Mr. Marr's vague hopes of increasing revenues were a wild dream and that, if anything, revenues would only grow less. It is no pleasure to me to find that I was a true prophet. The figures in the revised estimates have come down far below expectations and the net result, in spite of all the economies that the Government could bring themselves to make, has been a revenue deficit of about Rs. 2,11,00,000 in the place of a budget estimate of Rs. 98,00,000. On every major head of revenue the income had come incredibly below expectations.

It will not do to pretend that all this was sheer ill-luck. Nothing of the sort. The Government boosted up its revenue budget with no materials to go upon, without the shade of a shadow of hope to build upon and deliberately—or recklessly—I do not care which walked into the disaster which Mr. Marr so plaintively bewails.

Have they learnt by their experience? No. The estimated revenue this year has been cut lower than last year no doubt, but yet it has been maintained at a figure higher than the revised estimate of this year. Mr. Marr expects Rs. 4,00,000 more in fixed land revenue, Rs. 11,00,000 more from Government estates, Rs. 6,00,000 more from country spirits, Rs. 9,00,000 more from non-judicial stamps, Rs. 11,00,000 more from court-fees and so on and so forth—And how? It is invariably in some vague hope of revival of trade and improvement of economic conditions, of which, Mr. Marr frankly admits in his speech "few signs can be seen at present." Unless this last statement is a broad

euphemism, it is a gross understatement of facts. For all the signs that there are unmistakably point to a gloomier economic position ahead, not here alone, but all the world over.

With his eyes wide open to this dreary prospect, the Finance Member still pretends to expect some improvement and lends himself to a deliberate and baseless inflation of revenue figures for nothing apparently except to make the deficit appear much lower than it is bound to be—to give his budget some appearance of decency and respectability.

With all that what he achieves is merely the cheerful prospect of a revenue deficit of Rs. 1,64,00,000 and the lively anticipation of shouldering the burden of an annual expenditure of over Rs. 25,00,000 for a sinking fund!

The actual figures are bound to be much worse. Everything in the economic position to-day points to a further decline of revenue. We should be lucky if next year we make even the Rs. 9,06,00,000 that our revised estimates show this year. The excess of Rs. 43,00,000 over that in the budgeted revenue is mere moonshine. The only sound principle of budgeting to-day with steadily diminishing returns from year to year would be to count on getting no more than Rs. 9,00,00,000. The excess of Rs. 49,00,000 estimated in the budget must, therefore, be added to the deficit if the expense side of the budget is to stay. In other words, our deficit then would be not Rs. 1,64,00,000 but Rs. 2,13,00,000. Our annual commitment for the sinking fund would then come up to about Rs. 29,00,000 at the end of last year.

I say, Sir, that it is an outrage on our common sense to expect us to take such a budget as a sober and serious business proposition. A deficit of Rs. 2,00,00,000 with a revenue of Rs. 9,00,00,000 is utterly preposterous.

It is too late in the day now going on pretending that this is only a temporary adversity. For all that we see this thing has come to stay. Anyway, sound commonsense would dictate that we should work on the basis that it is going to stay and be thankful for a change for the better as a stroke of luck.

If that is so, there is only one sensible way before the Finance Member—and that is ruthlessly to cut down expenditure to bring the expense budget down to Rs. 9,00,00,000, or, in other words, to knock off Rs. 2,13,00,000 of expenditure.

The Hon'ble Member asks us to believe that it cannot be done. He has been at considerable pains to make out that the expenditure has really reached the rockbottom and he makes a present of the fact that even this year there have been further reductions which have given a total additional saving of Rs. 29,00,000—almost exactly the figure which we should be paying every year from next year for paying our debts.

I shall briefly examine Mr. Marr's claim that the axe has been constantly at work in Bengal since 1921, and every bit of expenditure that could be spared has been chopped off.

In June, 1922, the Retrenchment Committee recommended a cut of Rs. 1,64,00,000. The Government accepted a cut of only Rs. 37,49,000. Before that there had been two cuts aggregating to about Rs. 1,19,00,000. So that till 1924-25, there was a total cut of Rs. 1,56,00,000. Mr. Marr adds to that figure the cuts in 1930-31 and those proposed in the present budget and brings the total figure up to Rs. 2,01,00,000.

But to trot out this imposing figure as a tribute to the great sacrifice of the Government of Bengal would be a great fallacy. Between 1921 and 1924-25 the Government had to retrench for all it was worth, thanks to the Meston Settlement, and actually cut down Rs. 1,56,00,000. But once the budget was thus balanced, their vigilance went to sleep. From that day till the wolf was at its door again last year the Government went on merrily adding to their expenditure. Part of the extra expenditure was due to one of the outstanding boons of the Montford Reforms—the Lee Commission Report—the burdens of which the Government cheerfully bore. What with the increased emoluments of officers and luxurious expenditure on items like the police, the Government managed to swell its expenditure to Rs. 1,04,00,000 more than the figures of 1924-25. The retrenchments made in the early years of the reforms were practically swallowed up by the year 1929-30. By the side of that achievement, it is small wonder that the saving of Rs. 45,00,000 last year and the savings proposed this year do not make a brave show.

A study of the figures in detail discloses interesting facts. Till 1924-25 every department was called upon to sacrifice. When better times came, all the money went practically to pamper the spoilt children of the Government and starve its bread-winners. The following table will show the losses and gains of some of the departments:—

	Losses.	Gain.	Net gain or loss.
General administration ..	7	17	+10
Police	10	30	+20
Jails	3	5	+2
Education	22	23	+1
Public Health	9	15	+6
Forests	6	0	−6
Irrigation	13	0	−13
Agriculture	7	2	−5
Industries	6	0	−6

Leaving Education and Public Health which have received some small mercy, the departments on which all the added revenue has been

squandered are those which spend without any return. Departments like Forest, Irrigation, Agriculture and Industries, on which money wisely spent would bring a substantial return, have all been kept on starving rations ever since the Meston Settlement drained off their sustenance.

Imagine for one moment what wonders could have achieved if the extra crore and more of rupees which the Government got as a result of the first retrenchment had been spent on the Department of Agriculture, in organising and husbanding production and in financing enterprise on co-operative lines, or spent on developing the potential wealth of forests, or in developing irrigation and drainage, with a little of the imagination and organisation that Russia has shown in her Five-year Plan! The result would take our breath away. Bengal would have been overflowing with wealth and the Government treasury flowing with gold! But we spent all that money on maintaining a bloated bureaucracy and a pampered police. Is it any wonder that Mr. Marr finds himself weeping his eyes out at the dismal situation in Bengal to-day after following a purblind financial policy in the years of comparative ease?

Well—I shall be told—it is no good crying over spilt milk. What have I to offer by way of a remedy?

I would in the first place cut down our expenses to Rs. 9,00,00,000. It is not only not impossible but perfectly feasible. A five *per cent.* cut on all departments, as was done in 1921, would alone bring in Rs. 55,00,000. If the Government in its present distress examines once again the report of the Retrenchment Committee, it will probably find it possible now to accept more of their recommendations than they would in their better days. Elaborate archaisms which are lingering on and acting as fifth wheel to the coach, such as Commissionerships and the Board of Revenue, may be abolished.

Another important method by which retrenchment may be effected is to seek to transfer services now rendered by stipendiaries to voluntary agencies. That would not only reduce expenditure but be a very effective means of training people in self-government and in removing popular discontent. If police functions are entrusted to voluntary defence committees in outlying areas, it is bound to lead also to a great improvement in police administration. Circle officers may be gradually replaced by progressively entrusting capable and experienced presidents of union boards with supervising powers over adjoining boards under the supervision of the district board. Similarly, the costs of inspection of schools might be substantially reduced by entrusting selected head masters or other available local men with the duty of visiting adjoining schools. These are some of the avenus which may be successfully explored.

Another way in which retrenchment may be sought and one for which there is an urgent call is by cutting down overhead expenses in every department. The overhead expenses in our administration have always been out of proportion to the services rendered. And at the present moment after a series of cuts which have hopelessly depleted the funds available for service, it would be a wicked waste of money to maintain the full complement of overhead staff. When new expenditure on Irrigation or Public Works is abolished, must we still maintain an elaborate load of highly qualified experts for just maintaining the existing works for which a much cheaper staff would be adequate? When expenditure for field work in agriculture is no longer possible, must we maintain an elaborate equipment for research work which we have no means to make available to the cultivators?

As I have observed, Sir, our present depression is not a passing phase, but has, by all appearances, come to stay. If that is so, we cannot expect to find funds for new services for years to come. The only sensible course for us would, therefore, be to reduce the overhead staff to the barest minimum necessary to carry on, trusting to better times to have our full complement again.

When by drastic economies we have, as we had after 1924-25, a fund of about Rs. 1,00,00,000 at least available for new service, we might plan for enormous expansion on lines which will bring money to the Government. With Rs. 1,00,00,000 to provide a sinking fund, we might easily borrow Rs. 15,00,00,000 to Rs. 20,00,00,000 which we might spend on productive capital work. Or, by spending Rs. 1,00,00,000 a year we might carry out a programme of economic organisation and scientific production which between them will place the country for ever above want. Sir William Wilcox could work wonders with that sum. Sir Daniel Hamilton promises marvellous results from a similar outlay. A study of all that has been achieved in Soviet Russia will open our eyes to unsuspected possibilities. And, by pursuing such a policy Bengal will yet grow rich, even though the rest of India may not agree to remove that mountain of inequity—the Meston Settlement.

I implore the Government for once in their life to visualise the enormous possibilities of such a programme; let them for once realise that active work for the economic advancement of the country is as important a function of the State at least as maintenance of law and order; let them but put their foot down on all avoidable expenditure on their bureaucracy and pool all their resources for the work of building up national prosperity; and we will yet find a way out of the woods though frowning walls of wild weeds may seem to block our way and lowering clouds should seem to darken our view——

[Here the member having reached his time-limit resumed his seat.]

5-15 p.m.

Babu KHETTER MOHAN RAY: Mr. President, Sir, annual discussion of the budget is a time-honoured practice, but it is of doubtful utility. For, we do not find that the Hon'ble Member in framing the budget has ever taken any inspirations from such discussions, nor do we find the Government ever having seriously taken notice of the suggestions made from time to time by the members in criticising the budget. Be that as it may, I beg to submit the following observations on the budget:—

Last year at the time of the budget discussion I said "Prospects before us are gloomy, perhaps more gloomy than the figures in the budget indicate. On the receipts side some figures were taken on the assumption that the condition in the next year would improve a little, but we do not find any signs that the economic depression would be lifted in the near future." Alas! my words have come to be too true. What I said in respect of the last budget is equally applicable to the budget presented by the Hon'ble the Finance Member last Monday. Here also we find that under major heads on the receipts side figures were put down in the budget in the hope of some economic improvement in the next year. At a time when economic depression is gradually tightening around us, it is not at all expedient, nor is it prudent, to take figures on the receipts side of the budget for the next year higher than those of the current year.

Now let us turn to some figures in the budget. We are told that the total revenue receipts, as revised, for the current year would stand at Rs. 9,06,39,000 as against Rs. 11,35,87,000 of 1929-30. After excluding the abnormal receipt of Rs. 52,00,000 under stamps from the total receipts of 1929-30, there has been a drop in revenue of no less than Rs. 1,77,48,000 since 1929-30. It is further told that the working of the current year would entail a deficit of about Rs. 2,10,94,000. In order to cover this deficit, the Government would borrow this sum from the Loan Fund of the Government of India at the end of the present financial year—for which annual payment of Rs. 14,33,000 will have to be made for a period of 50 years. Similarly, in the budget for 1932-33 we are faced with a probable deficit of Rs. 1,63,29,000 which will be covered by a loan from the Government of India. Repayment of this loan will be spread over a period of 50 years by equated annual instalments of Rs. 11,09,000. The budget, as framed, is somewhat optimistic, as I have said above. But if the present state of the economic depression continues throughout the next year, the deficit in the next year will be much heavier than what is estimated in the budget. From 1930-31 we find the Government have been carrying on the administration at a deficit, the deficit for

the year 1930-31 having been covered by a large opening balance. If this state of things continues for some years, Bengal will be groaning under reproductive debts which will have no assets behind them. To cover the deficit by borrowing should be resorted to when all other possible resources have completely failed. As long as the gap could be bridged by retrenchment, it is the clear duty of the Government to retrench. It is natural in these circumstances that the people will turn their attention to what the Government have done in the matter of economies and retrenchment.

But the question is whether the Government have gone to the end of the ladder in the matter of retrenchment. The only retrenchment on the general administration charges is 10 per cent. cut in the salaries of the Government servants. The savings due to 10 *per cent.* cut in the pay during the next year are anticipated at Rs. 36,98,000, besides reduction of conveyance allowance, etc., which would probably amount to Rs. 1,54,000. But these savings would almost be swallowed up by the abnormal expenditure on Police and Jails, etc., due to the terrorist movement and political unrest. Then the Hon'ble Finance Member has informed us that they were able to reduce expenditure by Rs. 1,00,000 by minor economies. These very figures clearly point out that the Government have not carried their economies and retrenchment far enough. It is, therefore, that we would appeal to the Government to explore all avenues of retrenchments and economies, and the principal sources being those of the graduated cuts in salaries instead of a flat cut of 10 *per cent.* and chopping off of the superfluities. From our experience of the past years it would be futile to try to convince the Government that considerable amounts of expenditure in some departments other than nation-building can easily be reduced without any detriment to the departments concerned, with a view to economy on account of the distressed condition of the country, but also, in addition, to make provision for the expansion of the transferred subjects.

Of the total expenditure, one-third, roughly speaking, goes to the transferred subjects. There has been, for some years, progressive increase in the expenditure of the Police budget. On the other hand, there has been no expansion of the revenue, but, on the contrary, there is a considerable fall in it. The result is that the transferred subjects have come in for retrenchment and have felt the blow heavily.

It is well known that education is in sore need of expansion, but the Government would not only provide for its normal expansion but would reduce the grants which have hitherto been made. I need not say anything about the attitude of the Government towards the University of Calcutta which is well known. Non-Government colleges in receipt of grants are somehow carrying on within their limited means *plus* the Government grants. Professors and teachers of these

colleges are ill-paid. There is no grade, no security of service and the libraries and laboratories attached to them are ill-equipped. In the present state of things, Government propose a cut of 10 *per cent.* in the existing grants. With incomes from fees gradually shrinking, it would be impossible for the colleges to get on with their work unless the Government maintain the existing grants. Even in normal years the nation-building departments have not received fair treatment from the Government in the matter of distribution of revenue to meet the various requirements of the people. The result is that many of the nation-building departments, such as Public Health, Medical Industries and Education, are being starved. It is only proper that retrenchments and economies should be effected in departments other than nation-building. Here it will not be out of place to say that it was repeatedly urged in this Council to appoint a Committee consisting of official and non-official members in order to consider and report what retrenchments and economies could be affected in the various departments of the Government. But the Government have turned down these proposals by saying that the report of a Retrenchment Committee which was appointed some ten years before was available to them and that they had given effect to some recommendations. But the question is whether the Government had carried out all the recommendations of the committee, and, if not, why they were not given effect to? The Government have not given us any reasons for not carrying out all the recommendations. Besides, that committee was appointed under different conditions and different circumstances. In the meantime, the conditions of the country due to the economic distress have materially changed. For reasons best known to them, the Government of Bengal have not yet thought fit to associate non-official advice and assistance in the matter of economies, though other provincial Governments have already appointed committees of officials and non-officials for retrenchment. The responsibility is, therefore, doubly onerous on the Government to show that adequate economies have been effected. In this, as I have already pointed out, Government have failed. Our country is passing through an intense depression from which all classes of people are suffering. We do not know when our country will recover from its effects. At such a critical position, sound financial policy is rigid economy and retrenchment all round.

5-30 p.m.

Rai KESHAB CHANDRA BANERJI Bahadur: Sir, it is with a heavy heart that I rise to make some general observations on the budget presented by the Hon'ble the Finance Member a week ago. The budget is, indeed, a dismal one—as has been characterised by some of the speakers who preceded me—not because it is a deficit budget but because there has not been an equitable distribution of

receipts. Like the family budget, the virtue of a Government budget does not lie in the creation of surpluses, nor even in the equation of expenditure with receipts, but in the just distribution of receipts among the various departments, the departments which are productive, claiming the lion's share. Judged by that standard, our budget is, indeed, a melancholy one.

My sympathies are with the Finance Member. The receipts under "Land Revenue" are below the figure of a couple of years ago by over Rs. 14,00,000, Excise by Rs. 68,00,000, Stamps by Rs. 1,15,00,000, Forests by Rs. 14,00,000 and Registration by nearly Rs. 13,00,000. These indicate the economic condition of the province. The world trade is distressing; money-market is tight; jute, rice and tea-markets on which the economic prosperity of the province depends are thoroughly depressing as a result of which the receipts under "Land Revenue" and "Stamps" which are the principal pillars of the State-treasury have suffered a considerable fall. Under these circumstances, Bengal always smarting under the wrongs of the Meston Settlement cannot but have a deficit budget—a position for which the Finance Member cannot be held responsible. Compared with the other progressive countries, a revenue of Rs. 9,00,00,000 to Rs. 10,00,00,000 for and from a province of 50 millions of people cannot produce better results. We must admit that our receipts are small and accordingly we become nervous of the deficit of Rs. 2,00,00,000. In Great Britain which has a population less than that of Bengal, the national expenditure (excluding Post Office) as early as 1906 was 123 million pounds—though in 1931 it was 804 million pounds. In 1906, the entire cost of social services in Great Britain was 18 million pounds—though in 1931 the whole cost of social services was 237 million pounds. They could afford such luxuries because in 1906 one-thirteenth of the national income was taken away in national and local taxation and in 1931, one-third of the national income was taken in rates and taxation. In Great Britain, the average annual income is £100, whereas in our country, the average income is infinitely small (not more than £8). Great Britain, economically sound as she is, faced the deficit of 170 million pounds in 1931 with calmness and equanimity. I have placed these figures only to show that in our criticism of the budget we should not forget, which we often do, that our receipts are small and our population enormous, and accordingly our expenses per head would be correspondingly lower. That is the position which we shall have to recognise before we offer any criticism of the budget. My impression, based on the close study of the financial organisation of the country, is that as long as the iniquities of the Meston Settlement continue, Bengal with such a high population can never pretend to have a satisfactory budget. Under the existing arrangement, the provincial revenue receipts of Bengal are lower than those of Bombay,

Madras and the United Provinces—though of all provinces, Bengal pays the largest amount in customs and income-tax. It shows that Bengal is not the poorest province though the provincial exchequer is the weakest. The tragedy of Bengal lies in this anomaly of the situation. Unless Bengal comes out of this *impâsse* through the recommendation of the Federal Finance Committee to which reference was made by the Hon'ble the Finance Member in introducing the budget, the province is doomed both financially and politically, because no safe political structure can thrive on a weak financial basis.

Thus I can sympathise with the Finance Member, but I cannot congratulate him on the budget estimates. The Finance Member takes the credit that retrenchment and reduction were taken recourse to in the way of relieving the depressing situation, but the credit is marred by the fact that the sum of Rs. 37,00,000 saved a year by the cut in salaries is eaten up by abnormal expenditure on "Jails" and the "Police" and the other departments. This is deplorable and in view of this, there is no virtue in reduction. The Government are thus guilty of twofold sins: they have reduced the earning strength of human units in their service and have wasted the savings thus effected over unproductive departments. Reduction can only find justification in the fact that the money saved is fruitfully and profitably utilised.

Sir, I would like to invite the serious attention of the Government to the fact that there can be no justification for a deficit budget if it is the result of making provision for abnormal expenditures on Jails and the Police. Disorders and chaos must be stopped—that is the wish of us all. But, Sir, I would ask in all seriousness and with all humility if the records at the Secretariat show that disorder and discontent have decreased as a result of abnormal expenditure on Police. I am not here to dispute the need for more police and more jails in the present abnormal situation of the country; our grievances are not against expenditures on those departments. But as long as the other productive departments would be starved for the sake of law and order, discontent and disorder would stare us more in the face. I deplore the disturbing political situation in the country, but I deplore all the more that far-sighted statesmanship has been sacrificed at the altar of expediency. I believe that disturbed political conditions are to a great extent responsible for the deficit budget, but I do not see any statesmanship in the fact that every pie saved should be swallowed up by Jails and Police for political reasons. Under no canon of political economy it can be justified that there should be reduction in the cost of social services to increase the cost of the Department of Law and Order.

We can understand the necessity of "borrowing" for emergency purposes, we can appreciate reduction to balance the budget, we can

comprehend new taxation for new schemes, but we fail to understand or appreciate the fattening of the unproductive departments at the cost of the productive ones.

Maulvi SYED JALALUDDIN HASHEMY: I must say at the outset that I had no leisure nor inclination to study the figures of the budget in detail. But, Sir, I have read and reread with all possible care and attention the speech made by the Hon'ble the Finance Member in which I have found nothing new and there is no redeeming feature about it. Sir, the Hon'ble the Finance Member has taken recourse to borrowing in order to balance his budget. In my opinion, Sir, he should have taken recourse to an altogether different course, namely, to further retrenchment. By borrowing he proposes to balance the budget which means that a very heavy amount will be hanging on our neck for a long time to come. Sir, as matters stand at present, there is no hope of doing away with this borrowing even in future years—even the Finance Member has not been able to hold out any hope that in the next year we shall be able to do away with borrowing in balancing our budget. Sir, I would suggest some practical measures if the Hon'ble the Finance Member would only be inclined to accept my suggestions. I would at once propose to retrench further the cost of establishment of this Government and would suggest that the pay of the Governor of this province should not be more than Rs. 500. Sir, we accepted a resolution to that effect at the Karachi Congress. I would suggest even a lesser pay for the members of the Executive Council of the Governor, and that this sham political constitution should be dropped at once. It is no use for any practical purposes to have Ministers. The Ministers must go, and with them their staff and everything and thus the Finance Member will be able to balance the budget which is now in a hopeless position under the present system. Government might have taken another course by introducing a measure of fresh taxation. In that case, there would have been greater discontent in the country than what now exists and I for myself would have welcomed that idea. Sir, as regards the activities of the transferred departments to which a reference has been made by previous speakers, what do we find? Although two years have passed, the Minister of Education has not been able to give effect to that Act—the Primary Education Act. There is no money for agricultural improvement, for public health and sanitation. As regards the Police, Jails, Civil Works, Miscellaneous and such other items, the Hon'ble Member has said that Government is not responsible for all the increase in expenditure because Government is bound to cope with the terrorist and kindred movements. I have not exactly followed the Hon'ble the Finance Member by what he meant "kindred movements"—that is the congress and civil disobedience movement. I do not want to go into detail as to how far the Hon'ble the Finance Member is justified in passing that remark, because it is no

use quarrelling with Government, because we know there is a clear divergency of opinion between non-official and official members on this view point. Sir, while the Home Member was replying to the speeches of the different members on the last adjournment motion, he characterised me as an enemy of Government. I do not want to question his remark, but I do not know whether he is justified in making such a remark in respect of a member of this Council.

Sir, I must at once say that this deficit budget is welcome not only to me but to all representatives of the people, as it shows the utter failure of the present Government to cope with the situation as it has arisen. After the presentation of this budget I interviewed many responsible men, many editors of newspapers and political thinkers and economists and I have found everywhere they were saying the very same thing and expressing the same idea that Government is on the verge of bankruptcy and that this Government cannot go on any further. This is the direct result of the policy and methods adopted by the Government in regard to the Congress movement which represents the great majority of the people. I think many members of this Council will agree with me that the credit of the British Government is lost—lost to this province as well as other provinces, lost to India and the other countries of the world, and I can assure the Hon'ble the Finance Member that he will never be able during the next year to realise even what he has anticipated in his budget. If the political situation in the country does not improve, there is really no chance of the revival of trade, commerce and industry and I am sure that the estimate and the forecast of the Finance Member will go much below his anticipation. Sir, if Government is really serious about balancing their budget, it must seriously think about the matter and compromise with the party now in power in the country—I mean the Congress to which a reference has also been made by the Hon'ble the Finance Member. Surely, Sir, without the sympathy and co-operation of the people of the country and the organisation which represents them, a Government cannot prosper, a Government cannot even exist. The other day the Government of India raised a loan at 6½ *per cent.* interest per annum. Government can and will have to raise fresh loans in order to balance their budget, but it will lose the proper support and sympathy of the people of the country by raising loans at such high interest. A day will then come when Government will fail to raise a loan in that way and if things are allowed to go on in this way, the problem of currency which is now the central idea of the people will have to be revised in future.

5-45 p.m.

During the next few years, if this year passes in this way, I am sure Government will become bankrupt and they will have to go away from Bengal leaving the state of affairs to that party which can manage its own affairs.

Now, as regards the increase in the expenditure on jails, police, civil works and miscellaneous, for the next year, we find that about Rs. 1,00,000 will be spent in excess. But even taking this grant of so heavy an amount last year what do we find regarding the treatment of prisoners in jail? Everywhere and from every part of Bengal complaints were made that the treatment of political prisoners was very unsatisfactory and left much to be desired. The people who desired classification were not classified by Government and there were many other injustices done to them. It is said by the Finance Member that the terrorist movement and other kindred movements, of which reference has been made to-day, account for a sum of Rs. 21,00,000; it is not much and I do not understand how the Hon'ble Member can connect this heavy expenditure with the outbreak of the terrorist and other revolutionary movements. In this connection I would like to repeat a note of warning that so long as this system of Government exists and so long as this sort of repressive laws is retained by Government, there is no hope of balancing the budget and also of coming to a satisfactory arrangement with regard to the Meston Award with the Central Government, as the Hon'ble Finance Member hopes. I have studied the columns of newspapers regarding the provincial contributions to the coffer of the Government of India and I find that there is very little hope that there will be any satisfactory readjustment or that justice will be done to us in regard to this award. Mr. B. C. Chatterjee may get his portfolio of law and order but, although I am very much optimistic, I am pretty sure that for the Government of Bengal there will not be any justice done regarding this Meston Settlement.

With these words I resume my seat.

Maulvi ABDUL HAMID SHAH spoke in Bengali, the English translation of which is as follows:—

"Mr. President, taking into consideration the budgets of the last three years one would have no hesitation in declaring that Government have not shown any ability in the administration of the country during this period. The speech of the Hon'ble Finance Member in presenting the budget of the next year is depressing. In order to cover deficit of Rs. 2,10,94,000 and of Rs. 1,63,29,000, he has suggested taking of loans from Government of India. But in view of unexpected low prices of agricultural produces, increasing trade depression and unemployment, as the debt of Government will go on multiplying from year to year and as within a few years expenditure will far exceed income, from where will the future Finance Member borrow money and save the Government of Bengal from bankruptcy? The Hon'ble Finance Member has banked his hopes on the considerations of the Federal Finance Committee, which will, he expects, set aright the injustice of the Meston settlement.

But even taking for granted that the Federal Finance Committee will do its duty by Bengal the extra money that Bengal Government will have will prove insufficient for making up the gradually falling revenues owing to economic distress and at the same time for the repayment of the loan. Unless Government devote themselves from even now to the solution of the economic crisis in the country along with unexpected fall in revenues from land, excise and stamp the all-destructive revolutionary movement will assume, particularly on account of economic distress, such a terrible form that it will be hardly possible to manage things by spending for the Jail and Police Departments the budgeted sums along with all the money that may be received by the revision of the Meston settlement. For a section of the educated unemployed of the country has already joined the revolutionary party. They will be ultimately joined by masses of day labourers who are unable to find work and procure food for themselves and their families. Besides, in a country where a portion of the people have come to regard it as a proud thing to court imprisonment why should they pay any heed to the jail and the police? In free countries these labourers are taken care of by Government. In this country they were taken care of by the peasants, landlords and merchants. At the present moment they are busy with the work of saving themselves. The abnormal low price of agricultural produces has ruined the tenants on the one hand and on the other hundreds of *zamindars* and *taluqdars* whose estates have been sold for non-payment of revenues. Of these the estates with comparatively high revenues have remained undisposed as yet. This fact was elicited in answer to the question of Raja Bhupendra Narayan Sinha Bahadur of Nashipur. It would not be surprising if Government state in answer to a question as to how many *jotes* have been sold for non-payment of rent that they will have to appoint additional officers.

It is a greater matter for concern that if the economic situation does not improve the *zamindars* will find it simply impossible to pay up land revenues to Government even by the sale of the *jotes* of the tenants. The condition of the money-lenders is more pitiable. In the absence of any arrangement for pecuniary aid or grant of loan at low interest to craftsmen of Bengal by Government and on account of the dearth of buyers for their productions their condition has also become serious. Government are so occupied with the political question that they do not pay the least attention to the deplorable condition of the *raiyats* and other people who depend on the *raiyats* for their subsistence. In reply to the question of Seth Hunuman Prosad Poddar Mr. Prentice admitted on the 15th February the existence of no-rent and no-debt movements in some of the districts of East Bengal and stated that the Criminal Procedure Code and the Emergency Powers Ordinance were being used against them. But as a representative of the people I would warn him against following a wrong course. The Bengal tenancy has

no desire to withhold rents and loans, they only want that there should be some slackness in the realisation of rents and loans so long as the economic situation of the country does not improve. There are some points of similarity between the present financial condition of the *raiyats* and the financial condition of the Government of Bengal as disclosed by the Hon'ble Finance Member, with this important difference that the Government of Bengal is arranging to take loans from Government of India while the indebted *raiyats* of Bengal cannot raise even Rs. 100 on a property valued at Rs. 10,000. Government have got to take steps for the improvement of their condition and I think that if they spend half the money allotted to the Jail Department things will look up. For two reasons, it would appear, the Finance Member has despaired of the situation, *viz.*, fall of revenues and terrorism. But the remedy does not lie in ordinances. Government should accept my advice and follow it and then they will be soon able to bring back old prosperity."

[At 6 p.m. the Council was adjourned for prayer and it reassembled at 6-10 p.m.]

Babu SATYA KINKAR SAHANA: Mr. President, Sir, once again the cheerless budget of a province, gradually sinking under inequitous loads, is before us. Only a few years back the opening balance was Rs. 4,00,00,000 and odd; but under the consumptive disease that the province has been suffering from, this year it has come down to Rs. 39,07,000; and as the deficit this year is to be met by a loan spreading over 50 years, next year it will be below the zero point. So we have not the slightest hope of a brighter future unless there be a substantial increase in the revenue of the province. The imposition of new taxation is out of the question; the half-starved people of Bengal have long ago overleaped the taxable limit. The only way of increasing the revenue is to undo the wrongs under which the province is groaning.

Sir, it is not worth the while of anybody either to congratulate or to condemn the Hon'ble Finance Member; he is the driver of an old ramshackle machine and the troubles of the passengers are due more to the condition of the machine than to the skill or otherwise of the driver. As is evident from the sympathetic tone of the Finance Member, he feels and bears equally with the passengers the bone-breaking, nerve-tearing joltings of the machine and for that he deserves the sympathy of every one of the passengers.

Sir, sympathy or no-sympathy, this bone-breaking drive has brought us all to the end of our patience and a change is essentially necessary for the life of the province. No doubt, the hope of a new machine with

easier ride, a new constitution with better financial prospect, is dangled before our eyes. But, leaving aside the examination of the different parts of it to experts, we are not going to have the fortune or otherwise of riding that car before long two years have passed by. But, Sir, two years is not a very short time and, the present financial conditions prevailing, the province may be crushed for good by that time. The Government should do something immediately for removing this condition. If some mannas be not dropped from high before we reach the promised land, we are sure to perish in the desert of bankruptcy.

Sir, the word "retrenchment" is in the air for some time past and the Hon'ble Finance Member has referred to retrenchment or economy effected by the Government. Some retrenchment has been effected no doubt, but a bit of an angler that I am, I cannot help characterising it anything but a nibbling retrenchment which will never hook or haul up the desired fish; a biting retrenchment will be required for that purpose. The nibbling retrenchments effected by the Government do not reduce the expenditure by more than Rs. 71,15,000. This is a drop in the ocean and will not help to save the unfortunate province from its mad career towards the abyss of financial destruction; whole-hearted retrenchments to make the expenditure of the province to keep pace with its revenue can only help that way.

Sir, we find that 11 executive officers are retained in a station where there are only 7 court-rooms and we know how the superfluous hands do their day's work by strolling on the *verandahs* or sitting by the side of a brother officer taking up a case and thereby prolonging the hearing of the case to the inconvenience of the parties. We find that costly irrigation officers with all the paraphernalia of engineers, staffs, tools and machines, are maintained in the districts to hatch plans which are few and far between and prohibitively expensive. We find that Government secondary schools (which judged from their results are undoubtedly second class if not third class schools) are run as model schools in a province where more than one thousand secondary schools, both aided and unaided, are run by the people; but no money is found for running technical schools which are expected to solve the economic problem to some extent. We see that the agricultural and industrial departments are run in such a way that *ryots* and industrialists shun them as haunted houses. We see that in spite of the recommendations of the Retrenchment Committee, the posts of Divisional Commissioners are still retained and we see that in spite of the repeated cry of the people, the administration of the province is run by three Ministers, four Executive Councillors and a host of Secretaries. Sir, our credulity must be strained beyond its breaking point, if after all this we are asked to believe that the Government is sincere in its efforts to effect retrenchment.

Sir, With an eye to the storm raising in the country I would not touch the expenditure for Police which like a lusty sapling is growing fast and branching forth. But, Sir, I am grieved to notice that in the madness of expenditure in the department there is not the slightest method even. The cost of the Presidency Police, to cope with the abnormal situation, is going up every year. As it is suspected that the revolutionary and terrorist activities are centred in the city, I cannot have any reasonable objection to the increase in the cost of the Presidency Police, what I, a mufassalite, object to is the maintenance of it from the provincial revenue. Calcutta is immensely rich; its income is almost equal to the revenue of the province of Assam and it could and should maintain its own police at its own cost or it should bear at least half the cost of the Calcutta Police, but instead of that the ill-fed, ill-clad, ill-housed millions of the mufassal are made to bear the cost of the Calcutta Police. Sir, the mufassal people are not devoid of that amount of intelligence and feeling which make them understand the discrimination and feel it like the thrust of a poisoned dagger. Sir, such discriminatory treatments shake to the base the faith of the people in the justice of the administration and administrators and I fear this is one of the causes of the present discontents.

The increase in the Criminal Investigation Department cannot but be regretted. It lends a handle to the agitators who propagate that the Criminal Investigation Department like the magicians bringing out visible things out of a vaccum, bring out crimes where there are none.

Sir, there are other factors, equally powerful, that are increasing the poverty of the province. Our province is not naturally poor, but she has been brought to the verge of bankruptcy by some injustice done to her. All the income from jute, which is a monopoly of this province, and from income-tax within the province, is wrenched from her leaving not a single farthing for her.

The salt-tax, Sir, is another factor in impoverishing the people of this province. The tax which is suspected by some to be a move of some Congress-people for collecting funds for the Congress through some Bombay merchants, brings to the coffer of the Government about Rs. 12,00,000, but it exacts more than three times that amount from the people of Bengal to swell up the pockets of Bombay merchants. In this connection I would like to invite the attention of our Government towards the helplessness of the province regarding salt and request the revival of the salt industry of Bengal.

Sir, if all these wrongs remain unrectified and this top-heavy administration continue, when the new reforms will be introduced Bengal will not be in a position to stand on her legs and work the new constitution.

I make no suggestions as I fear the Government is not in a mood to take up suggestions from the members of this Council.

MUNINDRA DEB RAI MAHASAI: Mr. President, Sir, our sincere sympathy goes with the Hon'ble Mr. Marr for the melancholy duty he had to perform, perhaps for the last time in his official career, a week ago. I mean the presentation of the budget with a deficit of over Rs. 2,00,00,000 for running the administrative show—necessitated even after the general cut of 10 *per cent.*—a thing unprecedented in the financial history of Bengal. The fall in revenue is, no doubt, due to abnormal causes, the world conditions being one of them. Political situation is another. The Government held that the civil disobedience movement and the activities of the terrorists were responsible for this lamentable state of things, whereas the people held contrary views. They opined that all these troubles were due to irresponsible and unstatesmanlike administration. The spirit of nationalism which is surging from one end of the country to the other cannot be throttled by repressive measures. *Bona fide* concessions to popular demands would have considerably eased the situation. The bureaucratic Government instead of tactfully handling the situation were bent on committing blunder after blunder and thereby exasperated the people. A thorough overhauling of the whole machinery of Government has, therefore, become a matter of urgent necessity. If this state of things were allowed to continue, it would be impossible to balance the budget. The deficit will go on increasing year after year.

Sir, "Cut your coat according to your cloth" is a sound maxim. May I ask, has the Government ever followed it? The administrative expenditure was going up by leaps and bounds. It was neither a normal expansion nor for the furtherance of the nation-building departments, which we would have all welcomed. But that was not the case. The additional taxes imposed a few years ago with the help of Sir Surendranath Banerjea for the expansion of the nation-building departments have been merged with the general revenue and were being spent to meet the ever-growing cost of administration.

6-30 p.m.

Sir, I find that in 1921-22 the total income of the Government of Bengal was Rs. 9,87,00,000. It rose to Rs. 13,89,00,000 in 1928-29 and Rs. 14,00,00,000 in 1929-30 but fell to Rs. 12,52,00,000 in 1930-31. The sanctioned estimate for 1931-32 was Rs. 12,56,00,000 and the revised estimates amounted to Rs. 12,12,00,000 and in the budget under discussion it has been estimated at Rs. 11,85,00,000 and the figure is likely to go down further if no check is put on the unbridled licence granted to the irresponsible officialdom. The financial condition of the

Government has drifted from bad to worse. To make the two ends meet, the Government would have to borrow about Rs. 2,00,00,000 to meet its ordinary expenditure. There would not have been any objection to the loan had the money been borrowed for the benefit of the country, say, for irrigational projects to save the nation from the ravages of death and desolation, but I cannot support the policy of contracting unproductive debts. The only thing wanted to meet the emergency was the adoption of a policy of retrenchment in the right direction. But the mentality of the officialdom was quite different from that of the people. There was no co-ordination in the work of the different departments of Governments, not even in the nation-building departments. They should at least have followed the excellent example of co-ordination set by the sister province of the Punjab where the Rural Community Board was the sole agency for co-ordination of the work of the different nation-building departments and its progress has been remarkable at minimum cost. Why not make an experiment here?

Sir, the Report of the Bengal Retrenchment Committee, dated the 23rd of January, 1923, presided over by no less a person than Sir Rajendra Nath Mookerji, has been left in the lurch to rust in the dusty shelves of the Secretariat. Its fate does not inspire us with a hope for the new Retrenchment Committee proposed in this House. The former committee considered 173 written memorandum and examined orally 108 witnesses which included officials and non-officials consisting of a majority of the members of the Legislative Council and the most prominent public bodies——

Maulvi SYED MAJID BAKSH: Sir, is there any quorum in the House?

Adjournment.

There being no quorum, the Council was adjourned till 3 p.m., on Tuesday, the 1st March, 1932, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Tuesday, the 1st March, 1932, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 96 nominated and elected members.

Starred Questions

(to which oral answers were given).

Zenana Agency at Salar, Murshidabad.

*99. **Maulvi ABUL KASEM:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware—

(*i*) that there was a Zenana Agency at Salar in the district of Murshidabad;

(*ii*) that Salar is one of the most important Muhammadan villages in West Bengal;

(*iii*) that the said Agency was doing very good work towards the education of the Muhammadan girls there; and

(*iv*) that the Zenana Agency has since been abolished?

(*b*) If the answer to (*a*) (*iv*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the reason for the abolition; and

(*ii*) whether the Government are considering the desirability of reopening the Agency at an early date?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): (*a*) (*i*) Yes.

(*ii*) Yes. Salar is a thickly populated Moslem village.

(*iii*) The work of the Zenana Agency in Salar was fairly satisfactory.

(*iv*) Mrs. Promobala Baidya, *zenana* teacher, resigned her appointment in December, 1931, and as it was decided that—as a measure of retrenchment—the grants-in-aid for *zenana* teachers should be abolished, no one was appointed in her place.

(*b*) (*i*) The grants-in-aid for *zenana* teachers have not been provided in the Budget for 1932-33 as a measure of retrenchment.

(*ii*) Not during the next financial year.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Minister be pleased to tell us whether the retrenchment in respect of the *zenana* teachers was effected with his consent?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Yes.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Minister be pleased to tell us whether in giving consent, the question of the education of the Moslem *zenana* community was considered?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: As a general rule, the *zenana* teaching was not considered satisfactory by the department.

Maulvi SYED MAJID BAKSH: Is the Hon'ble Minister aware that these *zenana* teachers were doing good work to the Moslem community?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Very little.

Maulvi SYED MAJID BAKSH: Did the Hon'ble Minister consider that even dispensing with this little work was against the interest of the Moslem community?

Mr. PRESIDENT: That is a matter of opinion.

Supply of mosquito nets to Division III prisoners.

***169. Maulvi SYED JALALUDDIN HASHEMY:** (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state whether it is a fact that the prayers of some relatives of the male and female Division III prisoners to supply mosquito curtains, clothings and other equipments necessary for the prisoners, especially for the ladies, were refused?

(*b*) With reference to the answers to clauses (*c*) and (*d*) of starred question No. 97 of the 23rd February, 1931, will the Hon'ble Member be pleased to state—

(*i*) whether a trial has actually been given to the suggestion; and

(*ii*) whether the necessary instructions have been issued to the jail authorities?

(*c*) Are the Government considering the desirability of sanctioning the supply of clothings from outside to Division III political prisoners?

MEMBER in charge of POLITICAL (JAILS) DEPARTMENT (the Hon'ble Sir B. B. Chose): (*a*) No report has been received of refusal of mosquito curtains to Division III prisoners—either male or female—or of clothing to Division III prisoners sentenced to simple imprisonment.

(*b*) The reply is in the affirmative.

(*c*) No, so far as Division III prisoners sentenced to rigorous imprisonment are concerned.

Maulvi SYED JALALUDDIN HASHEMY: With reference to (*c*), is the Hon'ble Member aware that on the previous occasion Division III prisoners were allowed to bring their own clothing from outside; will the Hon'ble Member be pleased to see his way to allow Division III prisoners to bring their own clothing from outside?

The Hon'ble Sir B. B. CHOSE: That cannot be done with regard to prisoners sentenced to rigorous imprisonment because the Jail Code does not allow it.

Maulvi SYED JALALUDDIN HASHEMY: Will the Hon'ble Member be pleased to state whether it will be possible for female prisoners to bring their own clothing?

The Hon'ble Sir B. B. CHOSE: The Jail Code does not allow it.

Maulvi SYED MAJID BAKSH: Is it a fact that some prisoners are allowed to use their own clothing, while others are not?

The Hon'ble Sir B. B. CHOSE: In case of prisoners sentenced to simple imprisonment use of own clothing is allowed.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state whether the provisions of the Jail Code cannot be waived in respect of these prisoners, and they be permitted to wear their personal clothing, instead of jail clothing?

The Hon'ble Sir B. B. GHOSE: The Jail Code must be followed.

Babu JITENDRALAL BANNERJEE: In point of fact, are not these rules relaxed some times in different jails?

The Hon'ble Sir B. B. GHOSE: I am not aware of this. I want notice.

Mr. SHANTI SHEKHARESWAR RAY: Is the Hon'ble Member aware that prisoners were allowed last year to put on their own dress?

The Hon'ble Sir B. B. GHOSE: I am not aware.

Mr. SHANTI SHEKHARESWAR RAY: If such concession was allowed last year, will the Hon'ble Member be pleased to state whether Government would be prepared to relax the rules this year also?

The Hon'ble Sir B. B. GHOSE: I do not know whether it was allowed last year.

Maulvi SYED JALALUDDIN HASHEMY: Will the Hon'ble Member be pleased to inquire whether in the Alipore Central Jail prisoners are allowed to use their own clothing?

The Hon'ble Sir B. B. GHOSE: It is against the Jail Code, and the people in charge were responsible for breaking the rule.

Maulvi SYED MAJID BAKSH: Is it not a fact that the use of mosquito curtains by some prisoners may be horrible in the case of others?

The Hon'ble Sir B. B. GHOSE: Absolutely so. In fact, Maulvi Jalaluddin Hashemy asked me the other day to allow mosquito curtains to be supplied by him to these prisoners, and I told him distinctly that it should be supplied to all to avoid making some miserable.

Calcutta house rents.

*101. **Mr. P. N. GUHA:** (a) Is the Hon'ble Minister in charge of the Local Self-Government Department aware—

(i) that almost all sections of the residents of Calcutta living in rented houses are loud in their complaint against the high rate of rents that is generally charged by the house owners; and

(ii) that the house owners generally put forward the plea that they are unable to reduce the rent on account of the high rate of taxation imposed on the house property by the Corporation of Calcutta?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of holding an inquiry into the matter?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Bijoy Prasad Singh Roy): (a) (i) Government are aware of such complaints.

(ii) No such reason has been seriously put forward for the consideration of Government as an adequate explanation for high rents where they prevail.

(b) It is believed that there has recently been a downward tendency in rents in Calcutta and Government do not propose to institute such an inquiry.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Minister be pleased to state whether the "downward tendency" referred to in answer (b) is due to the operation of the Calcutta Rent Act, or to the economic depression prevailing in the country?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: The Calcutta Rent Act is not in force.

Publication of the Proceedings of the Bengal Legislative Council in newspapers.

*102. **Babu SATISH CHANDRA RAY CHOWDHURY:** (a) Will the Hon'ble Member in charge of the Political Department be pleased to state—

(i) whether it is a fact that the Press Censor has issued instructions to the editors of the several Calcutta newspapers that they are not to report the speeches of members of this Council except in accordance with such modifications as he may suggest to them; and

(ii) whether it is not further a fact that the Press Censor has told the editors of the said newspapers that they are not to publish the fact in their papers that he (the Press Censor) has so instructed the said editors?

(b) If the answer to (a) is in the negative, will the Hon'ble Member be pleased to state whether any instructions have at all been issued to the newspaper editors by the Press Censor in connection with the speeches of members of this Council?

(c) If any instructions have been issued, will the Hon'ble Member be pleased to state the nature of the instructions?

(d) If the answer to (a) is in the affirmative, will the Hon'ble Member be pleased to state—

(i) under what authority the instructions have been issued; and

(ii) what steps, if any, he is going to take to revoke such instructions in view of the fact that the privileges of this House are in the keeping of the Hon'ble President and the rights of the Press or of the members of the Council to have their Council speeches fully reported is not contrary to law?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (a) (i) No.

(ii) No.

(b) and (c) The replies given to a starred question on the subject put by Mr. Narendra Kumar Basu on the 29th February, 1932, may be seen.

(d) Does not arise.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to tell us whether the person appointed as Press Censor is a person who knows the law?

The Hon'ble Mr. W. D. R. PRENTICE: He takes legal advice whenever necessary.

Babu SATISH CHANDRA RAY CHOWDHURY: No answer is given to my question (d). The answer to question (b) does not cover question (d).

The Hon'ble Mr. W. D. R. PRENTICE: The question starts with the words "If the answer to (a) is in the affirmative". My answer to (a) is "No", therefore (d) does not arise.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether Government has considered that it is disappointing to members to find their speeches not reported in the Press?

Muh[illegible] stenographers in the Bengal Secretariat.

***103. Maulvi NUR RAHMAN KHAN EUSUFJI:** (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to state what is the percentage of Muhammadan stenographers in the Bengal Secretariat and elsewhere under the Government of Bengal?

(*b*) Is it a fact that there are qualified Muslim stenographers in the Bengal Secretariat who are employed from time to time to fill up the short temporary vacancies caused by the permanent incumbents going on leave?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) So far as the Bengal Secretariat is concerned the percentage is nil. As regards other offices under this Government the information is not available and could not be obtained without a laborious inquiry which Government regret they are not prepared to undertake.

(*b*) There is one only.

Maulvi SYED MAJID BAKSH: With regard to answer (*b*) will the Hon'ble Member be pleased to state whether that man is allowed to officiate in vacancies?

The Hon'ble Mr. A. MARR: Certainly.

Maulvi NUR RAHMAN KHAN EUSUFJI: Will the Hon'ble Member be pleased to state the total strength of stenographers in the Secretariat?

The Hon'ble Mr. A. MARR: I ask for notice.

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Member be pleased to state why there is no Muhammadan stenographer in the Bengal Secretariat?

The Hon'ble Mr. A. MARR: The only reason is that qualified Muhammadans do not come forward.

Maulvi NUR RAHMAN KHAN EUSUFJI: Will the Hon'ble Member be pleased to state whether in the case of future vacancies preference will be given to the claims of Moslem candidates?

The Hon'ble Mr. A. MARR: No. The best qualified candidate is appointed.

Unstarred Questions

(answers to which were laid on the table).

Muhammadan Inspector and Sub-Inspector of Schools, 24-Parganas.

63. Mr. A. F. M. ABDUR RAHMAN: Will the Hon'ble Minister in charge of the Education Department be pleased to state the last time when there was—

(1) a Muhammadan District Inspector of Schools for the 24-Parganas; and

(2) a Muhammadan Sub-Inspector of Schools for the Magrahat Circle of the said district?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (1) From 24th December, 1918, to 25th April, 1920.

(2) There has been no Muhammadan Sub-Inspector of Schools at Magrahat, 24-Parganas, since 1905. Records prior to that are not available.

Midnapore Municipality.

64. Babu HOSENI ROUT: (a) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether Government intend to hold general elections after every three years for effecting changes in the constitution of the Midnapore municipal board and in nominating candidates for commissionership?

(b) Is the Hon'ble Minister aware that for several years continuously the same Muhammadan gentlemen are being nominated as commissioners by the Government?

(c) Are the Government considering the desirability of—

(i) giving opportunities to other literate and competent Muhammadans of acquainting themselves, and gaining experience, in the business of self-governing institutions; and

(ii) of taking steps requiring the persons occupying seats for a number of years to make room for these men?

(*d*) Will the Hon'ble Minister be pleased to indicate his policy in the matter of nomination of candidates for commissionership, viz., whether—

(*i*) on broad lines of nominating all classes of men to make the institution a truly representative body; or

(*ii*) to limit it only to a particular class of men who are in touch with the district authorities?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (*a*) The general election of a municipality is not held by Government but by the local authorities in accordance with the Municipal election rules, a copy of which is placed on the library table; under section 21 of the Bengal Municipal Act, 1884, elections are due in time for the reconstitution of the municipal board after three years.

(*b*) One appointed Muhammadan commissioner has held office for two terms and one for three.

(*c*) (*i*) (*ii*) and (*d*) The respective advantages of reappointment of a commissioner already on the board and of the appointment of a new commissioner must be weighed in each case with regard to local circumstances and comparative qualifications.

Special motions under section 78A of the Rules and Standing Orders.

Meston Award.

Mr. NARENDRA KUMAR BASU: Mr. President, Sir, before I formally move my resolution, may I have your leave to make certain additions to it? The resolution I wish to move will read as follows:—

"That in the opinion of this House the so-called Meston Award has proved wholly unjust to Bengal and left the Presidency with resources utterly inadequate to her needs, and unless an equitable settlement satisfying the just claims of the Province is made along with, if not earlier than, the inauguration of the coming constitutional reforms, the hopeless financial position of the Presidency will seriously jeopardise the working of the reformed constitution by alienating the sympathies of even the co-operating section of the people and it is the duty of Government to impress this forcibly upon the Federal Finance Committee now sitting."

Mr. PRESIDENT: I have no objection to the resolution being moved in this amended form. You are merely making it more emphatic.

Mr. NARENDRA KUMAR BASU: I do not think many words of mine are needed to commend this resolution to the unanimous approval of the House. The position of Bengal under this Meston Award is well known to everybody and members of this House who have had the privilege, as I have had, of reading the very excellent monograph on the subject published by Mr. J. N. Gupta will find that the case of Bengal has been very ably put down there. A settlement by which a Province raising 37 crores for Central revenues is limited to 11 crores for its own resources! A Province which has lived largely on the revenue from stamps, and is now, in the words of Sir Walter Layton contriving to eke out an existence from amusements taxes, etc., a Province that is left with the smallest revenue expenditure per head of the population! I submit it is no use adding words of condemnation to a settlement of that description; that settlement stands self-condemned. The Joint Parliamentary Committee, the Government of India, Sir Walter Layton, all admit that this settlement is not fair. Only the other day, the Hon'ble Finance Member in his speech before this House in introducing the Budget said "we can only hope that the recommendations of that Committee will be to the effect that the inequitable treatment from which we have suffered under the Meston Settlement, must cease, and Bengal be given adequate resources to meet its own needs." The Hon'ble Member was fettered by his official position from using the right adjective. It is not only "inequitable" but "iniquitous", it is hopelessly unjust, and what adds to the poignancy of our regret is the fact that they have appointed a Federal Finance Committee, to which not a single representative of Bengal, either official or non-official, has been appointed.

3-15 p.m.

It would not be fair to perpetuate this injustice to Bengal and it is time that non-official members of this Council should unite to strengthen the hands of our Finance Member who is to appear before this Committee shortly, should say that the Province as a whole feels and feels very strongly that this sort of settlement will not do. In the words which I have added with the permission of the President to the resolution, I submit that in that also I am voicing the feelings of the whole of this Council when I say that if this Province is to live from hand to mouth—why from hand to mouth—it is living on a beggarly pittance, and it cannot spend except very little on education, sanitation, public health and medical matters and other things—well, I do not know what good the constitutional reforms would do to the Province. I am confident I am voicing the feelings of the whole Council when I say that constitutional reforms would do us no good if we have no funds to spend on nation-building work. The one reason which has stood in the way of Bengal advancing after the last Reforms of 1921—the one principal reason—has been the want of funds. This penury of the

Government of Bengal has most of all checked the efforts of the Government to improve the position of the Presidency. I am not forgetting the police grant at all—I am not likely to do so. But I do say that even with the police grant this Province could possibly subsist if we had an equitable and reasonable share of the resources of the Presidency. We do not want to pinch any body else's money. We do want that our pocket should not be picked for the other provinces and for the Central Government. We pay the largest share of the revenues to the Central Government but in point of fact we are left in the fifth position so far as the resources of the provinces are concerned. I submit, Sir, it is really unnecessary to waste words over this resolution, and I hope it will be acquiesced in by all sections of the House and the matter reported to the Central Government.

Mr. C. C. COOPER: Sir, on behalf of my party I wish to associate myself wholeheartedly with the resolution now before the House. The Hon'ble Member has so eloquently and fully covered the ground that there is very little left for me to say. We wish to be associated with the feelings that he has expressed, with which we are in entire accord.

Maulvi TAMIZUDDIN KHAN: Sir, it is difficult to restrain oneself to the language of moderation while speaking on a motion like this. Every one knows that Bengal has been most unjustly treated by the Meston Award. Nay, Bengal is almost going to be killed by the Meston Award. It is an irony of fate that the premier province in the continent of India, the most populous and the most wealth-producing though not the most wealthy, has been rendered the poorest by the operation of that Award. It is superfluous at the present stage to dilate upon the havoc it has created and upon what drastic measures of taxation and economy have to be resorted to by the Local Government owing to the starvation imposed upon the Province by the Award. And yet in spite of these stringent and very often unpopular measures, the funds available have been always inadequate to permit any development of the nation-building departments mostly administered by the Ministers.

Bengal has been crying hoarse for years over this injustice but to her misfortune nothing has hitherto been done. It is pleasant to contemplate that in this matter the Government of the Province has always voiced the wish of the people and has been systematically making strenuous efforts to have the injustice removed.

The motion under discussion urges upon the Government to impress upon the Federal Finance Committee the injustice of the Award. I have no doubt that this the Government will willingly and readily do. The coming reforms will be utterly unworkable unless justice is done to Bengal. Everyone knows that the working of the Montford Reforms has nowhere been more unsuccessful than in Bengal. The question is what is the reason? In my opinion the main reason is that

Dyarchy under the Montford Reforms had never had a fair chance in this Province. With the nation-building departments systematically starving how can confidence in the administration of these departments—I mean the Ministers' departments—be created in the minds of the general public? The people always assess the value of a thing upon its practical utility. What does it matter to them whether half of the administration is responsible to the people and the other half not, as long as they see that none of them is able to give them anything substantial?

I am afraid the mistake of the last ten years will be repeated and repeated with far more devastating results unless a more equitable financial settlement is made with the inauguration of the new Reforms. With an empty treasury, with the tax-paying capacity of the people at its end, provincial autonomy will be worse than useless. It is bound to be a failure. An administration under perpetual enforced bankruptcy will never function properly and forthwith the new reforms are inaugurated, people will curse at it and will fall a willing prey in the hands of the non-co-operators. It is time for the intelligentsia of Bengal to consider whether they will be prepared to run the administration with the nightmare of the Meston Award still sitting tight on her chest. I think it is the unanimous opinion of all right-thinking men of this Province that it will be difficult to offer their co-operation in running the administration with an empty treasury. The inevitable result will be a complete breakdown and the triumph of those whose business it is to wreck the constitution.

With these words, Sir, I support the motion and commend it to the acceptance of the House.

Babu JATINDRA NATH BASU: Mr. President, Sir, this resolution gives expression to the very strong feeling which has existed in this Province since the Meston Financial Settlement was imposed upon us. Sir, the feeling in the matter is so strong that it has sometimes been seriously considered as to whether this Province should not break away from the Central Government in the same manner as Burma has done so that this Province may have complete control over its own resources.

Sir, the claims of the Province are not extraordinary claims or claims for a favour. Our Province wants resources and money for development. Well, if you give two pounds of nourishment to a person who normally requires 4 pounds of nourishment, you gradually kill him. Bengal has to a certain extent been placed in that position, and the justice of the claim of Bengal is this that she earns by her endeavour not only the amount of nourishment that is required for her development but a great deal more. But there are others to take advantage of the organisation of resources which the people of this Province has been able to build up. Sir, it should be brought to the

urgent notice of the Federal Finance Sub-Committee and of the British Government that you cannot impose a financial settlement on a province by taking away most of its resources and leaving it only a very small margin to go on with. That will not satisfy the people of this Province and if a new constitution comes which might advance the people politically, it would be far from satisfactory because of the great financial injustice that might be perpetrated if the Meston Settlement or something like it continues, I heartily support the resolution.

Babu SATISH CHANDRA RAY CHOWDHURY: All that I want to say in support of this resolution is this. The Hon'ble the Finance Member is due shortly to retire and he will be missed very much in this Council for his winning personality and gentlemanly manners. He will not, however, be easily forgotten for another reason as he is leaving for us a legacy of 25 lakhs of rupees a year as interest to be paid towards the loan taken to balance the deficit budget. That will keep his memory green for the next 50 years as he assures us. But it will be something if he can succeed in the endeavour to get the Finance Committee there to see eye to eye with him in the matter of Meston settlement and I can assure him that he has our hearty support and entire good wishes. If he can do that, I can assure him that his memory will live, and live ever more in Bengal.

The Hon'ble Mr. A. MARR: Sir, I think that the members of this House will realise that the Members of Government can take no part in this discussion. At the same time I am sure that they all know perfectly well how we all feel in the matter of this financial settlement. What I can promise is that, if this resolution is passed by the House, I shall communicate it at once by telegram to the Government of India, to be followed by a copy of the proceedings as soon as they are ready. What I can further say is that, if this resolution is unanimously passed by the House, it will go a great deal to strengthen our hands before the Federal Finance Sub-Committee which meets next week. I thank Mr. Satish Chandra Ray Chowdhury very much for the kind words he has said about me in this connection, and I can assure you that the support of this House will strengthen our hands greatly.

The motion of Mr. Narendra Kumar Basu was then put and agreed to.

Point of order.

Mr. SHANTI SHEKHARESWAR RAY: On a point of order, Sir. I submit, Sir, that this resolution which is in the name of Mr. P. N. Guha (to be moved now) is out of order, and these are my grounds.

Mr. PRESIDENT: You cannot say that it is not in order in that offhand fashion: for, it is not up to you to question the decision of the President.

Mr. SHANTI SHEKHARESWAR RAY: It is not my intention to question your order but I am placing before you certain grounds for reconsideration of the matter. I want you to decide whether it is in order or not on the basis of what I submit.

Mr. PRESIDENT: Yes, that is the proper form.

Mr. SHANTI SHEKHARESWAR RAY: I submit that as no specific recommendation is addressed to Government as necessary under section 72 of the Rules and Regulations it should be disallowed. I also submit that it offends against section 73 (*b*) of the Rules and Regulations because it contains arguments, and, thirdly, because it offends against section 80A of the Government of India Act, because we are asked to go into the consideration of a law in connection with a duty that has been imposed. Further, I do not know whether His Excellency the Governor has been pleased to give any decision on the matter, but there is the question whether we can discuss a central subject, and this duty on salt is a central subject. Of course His Excellency, as the Regulations stand, *may* disallow such a motion, but I am advised that the word "may" here has the force of "shall"; at least that is the interpretation that lawyers put on it, and I, as a layman, cannot say anything definite on it. But I ask you to give a definite ruling. Of course I need not go into further details; for I have sent in an amendment and when moving that amendment I shall deal with the other points.

Mr. PRESIDENT: Your first point is based on section 72. You want to say that there cannot be a resolution unless it is a recommendation to Government and your suggestion is that the resolution under review is not a recommendation. Is that your point?

Mr. SHANTI SHEKHARESWAR RAY: Yes.

Mr. PRESIDENT: I might tell you that motions under section 78A are special motions; they are not ordinary resolutions as you very well know, and in this case, the motion, as it stands, is really not a recommendation; but it need not be so. A special motion under section 78A may embody the opinion or recommendation of the Council in regard to a matter. The object of the motion under consideration seems to be to ask the Government of Bengal to communicate to the Government of India the opinion of this Council in regard to the additional

duty imposed on imported salt. It has been our practice to allow such motions under section 78A which was purposely made elastic enough for the admission of such motions.

Your next point is that the motion contains an argument. It is a trivial objection and probably you can leave that to the discretion of the President. I am, however, really of opinion that the resolution does not offend against section 73 (*b*) to which you have referred.

Your next point is whether by this motion the mover thereof is not really forcing the Council to take into consideration an Act which cannot be considered by a provincial legislature. But I may tell you that this Council is not actually going to consider the Act. The motion merely asks the Council to record its protest against a certain action of the Government of India. Its real and only object is to invite the Government of India through the Government of Bengal to consider whether additional duty should or should not be imposed on imported salt. If the Act is reconsidered in the light of the request of this Council, the initiative and everything else in respect thereof will rest with the Government of India. Such being the case, I need not go into your other point, as it does not arise at all. Finally, having regard to the special character of the motion, as all motions under section 78A are, you cannot object to the motion being moved.

Additional tax on salt.

Mr. P. N. GUHA: Sir, I beg to move that this Council reiterates its protest against the imposition of the additional duty of 4½ annas per maund on all imported salt and the giving of a rebate to Aden merchants, which has clearly proved in its first year's working to be an unjustifiable burden on the people of Bengal and records its emphatic protest against its continuance.

Sir, I once again crave the indulgence of the House to raise a voice of protest on behalf of Bengal against this iniquitous imposition. The history of the salt tax and the reason for the additional burden were discussed in this House threadbare on the 24th March last year and I am sure that the hon'ble members are fully convinced about the injustice that this particular duty has done to Bengal. It will be recalled, Sir, that our voice of protest here moved the Hon'ble the Finance Member of the Government of India and he said in the Legislative Assembly that a portion of the tax raised from Bengal would be given to us to foster the salt industry in this Province. If I remember aright I think Sir George Schuster thought that Bengal was likely to get something in the vicinity of fourteen lakhs and a half. To our surprise we now find that we are going to get a dole of Rs. 3,53,000 and this may increase to Rs. 6,00,000 next year.

Sir, the money given to the affected provinces had to be spent in fostering the salt industry. It would indeed be a matter of pleasure if anything in that direction were done in Bengal but the House knows that nothing has yet been done. Sir, I know that the hopes held out by Sir George Schuster induced about half a dozen Bengali young men to apply to the Government of Bengal for permission to manufacture salt and a syndicate with Mr. J. Choudhuri at its head was very keen about it. The Government of Bengal wanted light and leading from the Government of India and Mr. Pitt, an officer of the supreme Government came down and inspected some places where salt could be conveniently and profitably manufactured. He visited Kagdwip, Frasergunge and some other places in the districts of 24-Parganas and Midnapore but could not find time to go to good many places in the districts of Chittagong, Noakhali and Bakarganj where salt can be manufactured easily and profitably. I do not know, Sir, what result the visit of Mr. Pitt has produced, at least I have seen no report and so far as I am aware the Government of Bengal have not yet raised even their little fingers to give any help and impetus to the salt industry of Bengal. Sir, I do not know how the sum of Rs. 3,53,000 that we shall get will be utilised by our Government and Mr. Marr has given us no information about the disbursement of Rs. 6,00,000 that we are likely to get next year. I do not think that the House will be far wrong if it comes to the conclusion that the money that the Government of Bengal will receive will be spent for Police or detenus or for meeting the expenses of some departments under the control of Mr. Prentice. Under the circumstances I would most humbly request the Government of India to call back their dog, for we do not want the charity. We very strongly protest against the additional duty and urge the Government of India to abolish it at once.

Sir, the people of the whole country have been lodging their most emphatic protest against the salt tax for a long time. This is a tax which touches resources of even the poorest man in the country and its burden is being felt by all. Sir, many may not believe it, but nevertheless it is a fact that there are millions of people in the country who eat their rice daily with the help of salt and salt alone and the price of that salt is going up year after year on account of taxation. Sir, the additional duty of 4½ annas per maund has proved to be the last straw on the back of Bengal and she is collapsing under the weight of exploitation. Only a few minutes ago my esteemed friend Mr. Narendra Kumar Basu has shown how we are to be satisfied with about Rs. 11 crores when our Province yields an income of Rs. 37 crores. Over our salt we are paying nearly Rs. 40 lakhs and we are asked to be satisfied with Rs. 6 lakhs which again is going to be spent for purposes other than what can help the nation. We are tired of

these games and we want to tell the Government of India that we are neither willing to pay the tax nor share the income. This duty must be abolished to enable our people to get their salt at a cheaper rate. I very strongly protest against the tax and I hope that the House will, by accepting my resolution, commission Mr. Marr, who is shortly going to Delhi, to tell the Government of India what the people of Bengal think about this most unjustifiable burden.

Mr. SHANTI SHEKHARESWAR RAY: I have sent in a notice of amendment.

Mr. PRESIDENT: I think I did not allow that amendment.

Mr. SHANTI SHEKHARESWAR RAY: But I have not been informed.

Mr. PRESIDENT: The other day when you wanted to know if I would allow any amendments to the special motions under section 78A, I told you that it was not my intention to do so, as I thought it would be sufficient if members criticised these short-notice motions in their speeches.

Dr. NARESH CHANDRA SEN GUPTA: I regret that I cannot agree to the motion which has been moved by Mr. Guha. I agree that it was undesirable, and we expressed our opinion on this matter at that time, that it was undesirable that such a prime necessity as salt in Bengal should be taxed for the benefit ultimately of the Aden salt growers. That expression of opinion was given last year, but nevertheless this tax was imposed with the assurance that a reasonable proportion of the proceeds of this tax would be used for the purpose of developing the salt resources of the country. That assurance was solemnly given by the Government of India.

3-45 p.m.

Well, if that assurance is carried into effect there can be no doubt that this temporary loss can be borne by Bengal more cheerfully. From that point of view Bengal would probably be willing to shoulder the burden of an increase in the cost of salt for several years in the hope that she will ultimately produce her own salt. It is perfectly true, as Mr. Guha has pointed out, that during the last few months nothing much has been achieved in that way and we do not know whether Government has made any provision for developing the salt industry in the Province. If that is so, the proper course for Mr. Guha

would be to move a cut as a sort of censure on Government and not to rush so soon after the Act has been passed with a motion like this, without giving the slightest opportunity to Government, to say that we do not waut the tax; there is at least one part of the scheme with which we are in agreement, namely, the proposal to develop the salt resources of Bengal. We do not think that a few months that have elapsed is sufficient to pronounce judgment on the operation of the Act. To do these things suddenly is almost always to invite disaster. We must, therefore, give a little rope to them so as to enable them to come into line with the policy announced. It smacks of too great an impatience on our part to rush into recording a resolution protesting against the whole principle of the tax merely because Government has not done something which they ought to have done. The first thing which ought to be done is to try and compel Government to make provision for the development of the salt industry in the Province. With these few words I oppose the motion.

Mr. SHANTI SHEKHARESWAR RAY: Sir, I made an effort to save the Bengal Legislative Council and perhaps the Government of Bengal from another rebuff at the hands of the Government of India, but, Sir, the amendment of which I gave notice was not approved by you. So the only course now left to me is to raise my voice of protest against this motion and perhaps to appeal to Mr. Guha to withdraw his resolution. It can do no good Though he has stated that the resolution is practically a suggestion--a recommendation—to the Government of India, yet, as I find the resolution, there is no suggestion, no recommendation but an emphatic protest against the action of the Government of India. It is an irony of fate that Mr. P. N. Guha should try to record a protest and I a member on the opposite side should try to argue with him to desist from such a course. Sir, one point that I wish to impress on the House is that these matters are best left in the hands of the Legislative Assembly. We have got our representatives from Bengal there, and to discuss these things in this Council would be to place them in an awkward position. Exactly this happened on the last occasion. We protested here, but some members from Bengal supported the measure and with their support the measure was passed into law. Mr. Jitendralal Banerjee asks why we should not discuss these matters. I have been here for the last two years and it seems that we are simply expected to specialise about the brutalities of the Police Department and the iniquities of the Jail Department and any such subject as salt should be left out as high politics. We should make it clear that though we really feel that this salt tax is a burden on the poor men of Bengal, at the same time we appreciate the decision of the Government of India to allow a part of the proceeds of the tax to the Government of Bengal. That

is at least some mercy and I would suggest to the Hon'ble Finance Member to see that better justice is done to Bengal and the largest share is given to it.

Babu JITENDRALAL BANNERJEE: I rise to give my whole-hearted support to Mr. Guha's motion and to record my emphatic dissent from the opinions expressed by Dr. Naresh Chandra Sen Gupta and Mr. Shanti Shekhareswar Ray. Sir, it has been very interesting to observe the attitude of Dr. Naresh Chandra Sen Gupta and Mr. Shanti Shekhareswar Ray about this matter. They have, of a sudden, turned into zealous supporters of the policy and actions of the Government. Dr. Naresh Chandra Sen Gupta wants to apologise for the Government's delay in taking action and Mr. Shanti Shekhareswar Ray wants to save the Government of Bengal from the insult of a rebuff at the hands of the Government of India. Their intentions will no doubt be appreciated in the proper quarters; but we members of this Council do not appreciate them. Dr. Sen Gupta seemed to argue —and Mr. P. N. Guha gave him a loop-hole for the use of such argument—that if a portion of the tax were given to us for the purpose of developing the salt industry of Bengal, that might reconcile us to the present increment of the salt duty. Sir, I want to tell him quite clearly that even with this bait dangling before our eyes, we refuse to be reconciled to the salt tax. Now, what has been the result of the operation of the Salt Act during the last nine months? We have had to pay Rs. 17½ lakhs in the shape of increased price for salt, and not a penny of this huge additional payment has benefited Bengal. Sir, it has benefited nobody in India. Bengal certainly has not benefited by it—you cannot say that a people are benefited when they are mulcted of so much money; the Imperial Exchequer has not benefited by it; and the only people who have made any profit are four mercantile groups of Aden, three of which are Muhammadan and one is Italian. And out of this huge sum of 17 or 18 lakhs of rupees which is filched out of our pockets, how much will come to us? We are told that it will be 3 lakhs and odd. Make it 5 lakhs, 6 lakhs or even 7 lakhs; but in any case it comes to this that you rob the people of something like 20 lakhs of rupees, return only one-third of it, and ask them to be grateful to you for this great mercy. I do not understand the logic of the argument. But I need not stress the point any further. I feel that the majority of the House are agreed in supporting the resolution; and if there are any who oppose, they will be in an unenviable minority of two. So far as this particular question is concerned, they do not express the view of Bengal. Sir, I cannot understand how we are required to support the salt tax in the name of nationalism, which seems to be the like of argument adopted by some people.

Mr. SHANTI SHEKHARESWAR RAY: On a point of personal explanation, Sir. I have never supported the salt tax. It is a sheer calumny to say this.

Babu JITENDRALAL BANNERJEE: That is what I gathered from his speech. Perhaps, the hon'ble member wanted to express certain other ideas, but apparently he did not succeed in expressing his ideas in words. He seemed to think that somehow, in some mysterious fashion or other, this tax was given to benefit one people. Here you are levying a tax which means the clapping of an additional price upon every seer of the poor man's salt; you do it for the benefit of four capitalist merchant groups of Bombay; and this is the democracy by which Mr. S. S. Ray and Maulvi Jalaluddin Hashemy are prepared to swear. Sir, democracy as understood in Bengal is a curious thing indeed, and curious too is the attitude of its supporters. Rob the people of Bengal in the interest of Bombay capitalists, and, that is high democracy! But I need not labour the point any longer. I am quite sure that the bulk of the House will emphatically support the resolution.

The Hon'ble Mr. A. MARR: Sir, I am afraid, the remarks which I shall make will be an anti-climax after Mr. Bannerjee's amusing speech. This matter was discussed very fully last year and at that time I said, and I repeat it now, that members of Government will not take part in the debate. One thing I should like to mention in connection with certain remarks which have fallen from some of the previous speakers, firstly, that the Government of Bengal have not yet received a copy of Mr. Pitt's report to enable them to take action on the basis of that report.

Mr. P. N. GUHA: Has that report been published?

The Hon'ble Mr. A. MARR: We have asked for a copy of the report. Secondly, we have not got the contribution of Rs. 3,53,000. I do not expect to get it before the 31st March. All I can now say is, as I said last year, that if this resolution is passed by this House, I shall telegraph it to the Government of India and also forward a copy of the proceedings to them. I think I may add that what happened here last year did have some effect on some members of the Assembly at least.

Babu JATINDRA NATH BASU: The point of view which the ordinary tax-payer holds in the matter is whether this tax is justified

and whether the proceeds of the tax are going to benefit him. The result of the present taxation has been, as Mr. Bannerjee has pointed out, that it is of advantage to a few profiteers. The price of salt has gone up. The value of Aden Salt was Rs. 40 per hundred maunds. Now it is Rs. 64. Now, who is benefited by this? We must remember that for an experimental measure there should not be any taxation which can only be felt as a hardship by the people of Bengal. We do not, I think, yet produce enough salt for the consumption of the millions of the inhabitants of this country. Experiments may go on year after year, and in the end we may perhaps succeed in making enough salt; but until that is done to tax the people in this way and to make living dear is unjust and the injustice has fallen more on the poor people of this Province than on other people.

Babu SATISH CHANDRA RAY CHOWDHURY: I have a few words only to say in connection with this discussion. On the last occasion we discussed it threadbare and even Mr. Basu assured us that it was a matter in which the interest of the European community was not opposed to the interest of the people of Bengal. I have also come to the conclusion that the matter is one in which we can join hands with them. Dr. Sen Gupta's argument seems to me to be this.

4 p.m.

Dr. Sen Gupta's argument is that we were lured by the offer of a portion of the proceeds of the tax. I do not quite follow that argument. Even knowing full well that a portion of this tax would come to our pocket we protested against its imposition and recorded our emphatic protest. The circumstances have not altered since then and in the near future we are not going to have the full share of Bengal's contribution utilised for the purpose of developing our salt industry. All that we have are a few lakhs of rupees added to our depleted coffers, and this has just enabled us to meet a part of the deficit. Beyond this we cannot hope for anything. I think that this tax presses very heavily on the poor man, as has been said by Mr. Guha and the fact that this salt imposition which is so grossly unfair and unjust has been made in the teeth of our united protest leads to the only one view and that is the sooner we cease to follow the other provinces, especially those provinces which are most interested, in the matter of our politics and in the matter of our economics, and the sooner we develop our own politics and economics the better would it be for Bengal.

Mr. C. C. COOPER: Sir, speaking on behalf of the European group I may say that in last March when this motion was brought

before this House I argued that the tax would not benefit this Province and would only benefit Aden. The actual working has proved that the argument I adduced was correct. On that ground I support the motion before the House.

The motion of Mr. P. N. Guha was then put and agreed to.

[At 4-10 p.m. the Council was adjourned for prayer and it re-assembled at 4-25.]

DEMAND FOR SUPPLEMENTARY GRANT.

"47.—Miscellaneous."

The Hon'ble Mr. A. MARR: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 1,33,000 be granted for expenditure under the head "47.—Miscellaneous—Miscellaneous and unforseen charges" to cover the expenditure in excess of the voted grants under "47.—Miscellaneous" on account of charges relating to persons detained outside jails under the Bengal Criminal Law Amendment Act, 1930, as amended by the Ordinance No. IX of 1931.

The details of this demand have been given in the printed memorandum, copies of which have been circulated to all members of this House.

Mr. PRESIDENT: Munindra Deb Rai Mahasai may now move his amendments Nos. 4, 7 and 9 together and he should make one speech.

MUNINDRA DEB RAI MAHASAI: I beg to move -

"That the demand of Rs. 1,33,000 under the head '47.—Miscellaneous—Miscellaneous and unforseen charges' be reduced by Rs. 1,32,999-15-0 (on grounds of economy)."

"That the demand of Rs. 1,33,000 under the head '47.—Miscellaneous—Miscellaneous and unforseen charges' be reduced by Rs. 100 (to criticise the action of Government under the said Act and Ordinance necessitating this extra expenditure)."

"That the demand of Rs. 1,33,000 under the head '47.—Miscellaneous—Miscellaneous and unforseen charges' be reduced by Re. 1 (to raise a discussion about the detention of persons under the Bengal Criminal Law Amendment Act, 1930, as amended by the Ordinance No. IX of 1931)."

Sir, it was a strange irony of fate that a moderate of moderates like my humble self should come forward and stand face to face with the Hon'ble Mr. Prentice, the sole arbiter of the destinies of thousands of my patriotic countrymen, in my advanced years and use the strongest epithets in the English vocabulary in condemnation of a policy which I choose to call British political madness. It was only twenty years ago that a smile from the stern revenue officer Mr. Collector Prentice would not only have gladdened our hearts but would have transported us into the seventh heaven as the popular adage has it. But the times have changed. The highhandedness of the executive Government, the promulgation of Ordinance after Ordinance, the rule of the *lathi* and the rifle, the looting and the murder by the pampered and spoilt children of Government and the indefinite detention of ardent patriots have wrought a change in our mentality and have turned us into severest critics of Government. Be that as it may, may I ask, Sir, would it be consistent with our position as popular representatives in the Council to even indirectly countenance the foolish laws of a stupid Government which has not the sanction of the people behind it and be a party to the provision of funds necessitated by the actions of an autocratic Government? Sir, so long justice and fair play had been the characteristics of the Britishers which enabled them to win the hearts of the people. They practically ruled over their hearts for a century and a half. Their advent into this country was hailed by the people as a blessing ordained by divine Providence. They posed themselves as the guardians of the interests of the people. Thanks to English education, the politically minded now consider themselves capable of managing their own affairs and want to assert their birthright. The sweets of power have, however, stood in the way of the realisation of their cherished ambition, and there is the rub—the clashing of interests. Our rulers seemed to have forgotten the cardinal principles of law, that perpetual guardianship was meant for the lunatics and not for all. The rulers in their arrogance of supreme strength were exerting their utmost power to harden the grip which the ruled wanted to unloosen. A tug-of-war is going on. On one side stood the giant—the mighty British power—and on the other side stood the half naked tiny leader with his unarmed followers thirsting for freedom with soul force as the only weapon——

Mr. D. J. COHEN: Sir, has this matter any connection with the question before us?

Mr. PRESIDENT: What do you mean?

Mr. D. J. COHEN: The mover is giving us a history of what happened. I want to know what connection has this history with the

particular motion before us which asks for a particular sum of money for a particular purpose. Can we discuss the facts which led up to the grant?

Mr. PRESIDENT: Not one motion, but there are three motions before the House now. I think the Rai Mahasai objects to this grant on the ground that many of his countrymen are detained without trial. Nevertheless, I must tell him that some of his remarks have been of very general character and he must try to confine himself more closely to his three amendments which are now before the House.

MUNINDRA DEB RAI MAHASAI: Sir, a few impatient idealists strayed from the path of rectitude and sought to achieve their end by violent and detestable methods. Poor and misguided fellows! They were oblivious of the fact that if one *guru* died another would step in his to take his place as ran the Bengalee saying They should remember that their foolish actions would not further the cause they have at heart but help to harden the grip instead of unloosening it——

Mr. PRESIDENT: Rai Mahasai, you are again straying away from the point. What I want you to do is to tell us why you object to this grant. I do not want to stifle discussion and I am always prepared to allow a speaker some latitude in developing his point in his own way; but you must say why you object to this grant and that is the real point which has got to be tackled

MUNINDRA DEB RAI MAHASAI: Sir, I will come to the point. The lawless laws have been left suspended over their heads like the sword of Damocles and nobody knew when it would fall on his head. The sense of insecurity was always there. Sir, in the words of Shakespeare I should like to say that justice has fled from the British rs. People are being indiscriminately thrown into prison or are being detained outside it without being hauled up in a court of justice. The detention of persons without trials is undermining the very foundations over which the structure of the State rested. Like the perverse child the Government would not care to hear words of wisdom which they think to be their monopoly and yet they would not hesitate to ask for our co-operation and support in whatever they did on the plea of law and order. It was a mockery to come to this House for providing funds in support of an action which we have condemned with all the emphasis that we could command. Our money is in your hands and the key of the safe is with you. Do whatever you like with it but pray do not ask us to support your erratic

actions. You did not care to take the House into your confidence when Ordinance after Ordinance was promulgated, then why is the demand for co-operation? Co-operation between whom? Not between equals but between the all-powerful and the weak and this reminds us of the story in the Aesop's Fables.

4-30 p.m.

Sir, in making this grant another aspect of the question has got to be considered. The country is passing through unprecedented financial crisis. There is a huge deficit in the Budget. To balance it three courses were open. The first was to impose additional taxes which is impossible at the present moment. Two other ways open to the Government were either to steal or to borrow. They have adopted the safest course which is to borrow. The axe of retrenchment has fallen in certain departments excluding of course law and order but the unkindest cut of all was the cut in the Education Department.

The Hon'ble Mr. W. D. R. PRENTICE: On a point of order, Sir, are we discussing the ways and means of retrenchment?

Mr. PRESIDENT: That is one of the points he has raised. He objects to this grant on economic grounds.

MUNINDRA DEB RAI MAHASAI: May I ask, Sir, what would it matter? The Police, with its adjunct the Jail, will gloat over their victory in the hour of this great national crisis with which the country is confronted. The Police Nero will continue to fiddle merrily while the country is being devastated not by floods, fire, pestilence or disease, but by the cruel operation of the lawless laws. The spoilt children of the Government will be all the more merry while the best flowers of the country will wither and die out by inches in their enforced confinement either within the prison or outside it. And this House will have to provide the necessary funds for the prolongation of their miserable existence. The ordinary budgets were not sufficient for the Police or the Jails. Supplementary budgets would be necessary in every session to supplement and strengthen the hands of the Executive. Nobody can foresee the end of all these troublous days. It was difficult to make a prophecy, but I find that what I said on the floor of this House on another occasion about two years ago, is nearing fulfilment. Sir, it is impossible to crush the rising spirit of nationalism by any amount of repression. That spirit is finding expression in every sphere of our collective activity—as Lord Ronaldshay has pointed out in his "Spirit of Aryabarta"—in politics, in literature, in art, painting and religion,

yea, even in the political outrages—an introspective on-looker like Lord Ronaldshay detected nothing but an expression of that national spirit——

The Hon'ble Mr. W. D. R. PRENTICE: On a point of order, Sir, while discussing the demand for a supplementary grant, is the member in order in discussing the general policy of the Government?

Mr. PRESIDENT: I think the Hon'ble Member is right. You are not supposed either to discuss the general policy of the Government or the main budget. This is a particular item that you are discussing and naturally you should confine your remarks within the narrow limits of the motion.

Maulvi SYED MAJID BAKSH: Is not a member entitled to draw the sympathy of his brother members by his speech?

Mr. PRESIDENT: Why not? Do you understand my point, Rai Mahasai? You can skip over a portion of your set speech (Laughter.)

MUNINDRA DEB RAI MAHASAI: Yes, I understand That spirit has assumed such huge proportions to-day that it can no longer be thwarted. You can no longer ride rough-shod over this national sentiment with impunity, and if you are not prepared to recognise its importance and provide a legitimate outlet, it will find expression in those political outrages which will shatter the very foundations of society. And the responsibility for this deplorable state of affairs—the responsibility for all the woes and miseries that will inevitably follow in the trail of such a political turmoil—will rest on the shoulders of those who in their arrogance refused to recognise this national sentiment of ours. With these words I commend my motion to the acceptance of the House.

Babu SATISH CHANDRA RAY CHOWDHURY: I beg to move that the demand of Rs. 1,33,000 be reduced by Rs. 100 (to discuss the treatment accorded to detenus in confinement).

Mr. President, Sir, I am less ambitious than my friend Rai Mahasai who wants to undo all the efforts of my Hon'ble friend, the Home Member, efforts that have continued since 1925. My object, Sir, in moving the motion is simply to draw attention to the treatment that is being accorded and has been accorded to the detenus in Jail. I am sure if the Hon'be Member——

The Hon'ble Mr. W. D. R. PRENTICE: On a point of order, Sir, I would like to draw attention to the fact that this grant is intended for people outside the jails.

Babu SATISH CHANDRA RAY CHOWDHURY: I know that very well. Outside jails, but they are in internment camps. I just put the wrong word; I think I may be pardoned for that. I mean detenus in confinement. I also realise the fact that the Act is there. It is no use now hammering against the law as it is. All that we have got to do is to see, having recorded our protest against the Act and its vices, it is now our business, and the business of everybody including the Hon'ble Member, to see that the provisions are not abused. That is the look-out of all law-abiding citizens with any regard for law and order. This House has already condemned the principle of detention without trial——

Mr. PRESIDENT: That does not come in; I thought you intended to give specific instances of ill-treatment.

Maulvi SYED MAJID BAKSH: On a point of order, Sir. The demand of the Hon'ble Member for Jails is due to the action of the Hon'ble the Home Member. It is difficult to distinguish between detenus in confinement and detenus in jail——

Mr. PRESIDENT: It is not difficult at all. Mr. Ray Chowdhury has clearly put down that he is discussing the treatment of the detenus in confinement. I thought that he was going to say that they were not being well-treated.

Babu SATISH CHANDRA RAY CHOWDHURY: That is what I am going to do; I am going to base my arguments on instances that have come to my knowledge, and which entitle me to say that they are not being properly treated.

Mr. PRESIDENT: It is also up to you to say what sort of treatment you would like accorded to detenus.

Babu SATISH CHANDRA RAY CHOWDHURY: The one and only way of minimising the evil effects of detention without trial would be to accord them proper treatment. I submit what is necessary is not to deny them the ordinary comforts and amenities of life to which they are accustomed. It must not be forgotten that they are not convicts, but persons probably as innocent and law-abiding as ourselves —the members of this House—that they are detained as an additional

step to our safety and security. If this attitude is maintained towards them, it may take away much of the keen edge of public discontent and public distrust. This is within the power of the Government, within the power of the Hon'ble Mr. Prentice who at one time we are told was very popular. It is again possible to create a general impression in the public mind by the sort of treatment meted out to these detenus and their relations that the real motive of the Government is not to safeguard law and order so much as to pick up persons high and low, noted for their independence of character and views, persons with lofty national sentiments and high ideals of patriotism, and to crush all life and spirit out of them by providing them with poor diet, poorer exercise and hurling all the ignominies and indignities to which the life of the ordinary convict is accustomed in this country —nay, to remind them also that their miseries are being shared by their own kith and kin at home who have to depend either on nothing or on some little thing based on the report of some unknown persons. Nor are all the persons so interned and treated, men of political views always. We have sometimes gaped in wonder why so and so who never uttered a syllable of politics was at all seized and hurled into detention camps. Who knows how many victims of jealousy and private grudge there must be rotting in detention camps! We are utterly in the dark about their antecedents and being in the dark our sympathies—the sympathies of all people cannot but go forth to them.

That is a psychological fact which is bound to manifest under such circumstances for knowledge and knowledge only can prevent you from cherishing false sympathy, *i.e.*, sympathy for deserved suffering.

Now consider the disastrous result which you produce on public mind already moved by the internment without trial of these persons, when your treatment of them and their relations come in for public comment.

Sir, you will excuse me—the members of this House will excuse me for I am arguing on the assumption that the Government do care for public opinion and they do desire to build up a healthy public opinion—the basis of the future constitution. If you are against this assumption, if any member of this House is against this assumption and if the Government is against this assumption, our very existence in this House becomes meaningless and unnecessary—as our one duty is to voice the public sentiment. Mr. Shanti Shekhareswar Hay would deny that we are the representatives of the people. Sir, I neither deny nor admit this proposition. We are representatives so long as we voice public opinion. We cease to be so the moment we cease to do so—just as the Hon'ble Mr. Prentice ceases to represent British ideas of justice and fairplay the moment he countenances or condones the shooting at Hijli and similar other incidents.

Sir, it is not my intention to touch on any particular incident like that of Hijli—my motion is not intended for that. I want to impress on our Philip the sober that he should not commit the second blunder of ill-treating the detenus and ill-serving their relations, though my generalisations are all based on solid facts brought to my notice.

Sir, I have a word to say about the allowances given to the relations of the detenus. The Hon'ble Mr. Prentice told us the other day that the District Officer's report is the basis of his decision. I hope he will not be surprised to learn that complaints have been made to me that the District Officer never cares to inquire of the relations of the poor detenus, nor does he depute any responsible officer like a Deputy Magistrate or the Subdivisional Officer to make the inquiries, but he asks the Police to report—the very police who probably were responsible for the internment. The Police are always eager to please the District Officer by understating the necessities of the family.

4-45 p.m.

I ask the Hon'ble Member either to support or contradict me. If I am right, am I not justified in asking him to have an inquiry into the circumstances of these detenus by responsible officers like Subdivisional Officers after giving due notice to the relations of the particular detenus? It will take away much grief and sense of wrong and injustice if he would do so. This is all the more necessary after the insertion of the words "having regard to his other circumstances" in the new Act.

Of course our Ordinances and law begin to work before they are brought forth. I understand, Sir, that even before the Act was passed, Rs. 15 was being given to the family of one detenu—a Burman of Simulkandi—in the district of Mymensingh. I do not exactly remember his name but his family consists of 11 members. This was long before the Act was passed Rs. 15 for a family consisting of 11 members means Re. 1-2 per head or something like that. Was it done in anticipation of the passing of the Bill by this House? If not, what will the family get now after the Act has been passed and having regard to the other circumstances of the case?

Then, Sir the treatment meted out to detenus when they are ill deserves special notice. The other day I mentioned the case of one Nagendranath Chakravarti, a detenu lying seriously ill in the Campbell Hospital and the surgeon is afraid of performing an operation because it might grow fatal. It has been reported that no nurses, not even students are allowed to attend him and that he is being treated by coolies—by coolies mind you. What reason is there for treating him like this? Is it not inhuman and cruel? Will it not

create distrust and doubt in the public mind? I mentioned this case the other day but I think so far no information has been given in answer by the official member. Nobody has told us yet as to the condition of the patient and as to what arrangements have been made for his treatment and I submit that I am justified in my fear that the motives of Government are liable to misconstruction if no information is vouchsafed to us.

Mr. J. CAMPBELL FORRESTER: Will the Hon'ble Member kindly mention the name of the patient?

Babu SATISH CHANDRA RAY CHOWDHURY: The name of that unfortunate man is Nagendranath Chakravarti.

You should remember that when we approach the Government officials on behalf of particular detenus, we do so not to serve ourselves, but to serve the country and the Government as well. It is not on behalf of a son of mine or a relation of mine that I approached Government. These detenus are absolutely unkown to me as they are unknown to many of the members of this House. If you do not take us into your confidence in regard to these matters, then I submit that we will have to reconsider whether we are really of any service to the country by being members of this Council. It has been said that members of this House are not treated in the way they ought to be. Our words carry no weight with the executive officers. We have a certain sense of responsibility, we do represent the people here, and it is our duty, being here, to stand up for the rights of the ordinary citizens and thereby to protect the Government from crumbling down. Sir, I have mentioned this case and I shall be glad to have a reply from the Hon'ble Member. If I had got that reply before, I would not have come out with this motion to-day. Sir, members of this House may differ as to the policy of internment but I hope there is no difference amongst us as to the treatment which the detenus should receive.

With these words, Sir, I commend my motion to the hon'ble members of this House including my friend Mr. Armstrong.

Mr. PRESIDENT: Mr. Jalaluddin Hashemy, will you move your motions 6 and 10 together?

Maulvi SYED JALALUDDIN HASHEMY: Yes, Sir, I beg to move—

"That the demand of Rs. 1,33,000 under the head '47—Miscellaneous' be reduced by Rs. 100 (to protest against the policy of Government regarding non-payment of allowance to persons who are detained at home under the Ordinance No. IX of 1931)."

"That the demand of Rs. 1,33,000 under the head '47—Miscellaneous—Miscellaneous and unforeseen charges' be reduced by Re. 1 (to raise a discussion and protest against the policy of the Government regarding the allowance to the detenus)."

Sir, in moving my amendments I shall place my reasons in two parts. In the first part I wish to deal with the Ordinances—the nature and working of the Ordinances and the effect of these ruthless semi-military and barbarous measures.

Mr. PRESIDENT: I am afraid you cannot do that. Your motion is confined to the question of allowances.

Maulvi SYED JALALUDDIN HASHEMY: Yes, to the allowances to detenus detained under Ordinance IX of 1931. Therefore, I think I am right to deal with the Ordinance if you will so permit me.

Mr. PRESIDENT: I am afraid I cannot allow you to deal with the Ordinances but certainly you can bring forward any question that relates to allowances to be paid to detenus.

Maulvi SYED JALALUDDIN HASHEMY: I would try to develop my argument by making a personal reference regarding the Ordinances.

Mr. PRESIDENT: In that case, you must be very brief.

Maulvi SYED JALALUDDIN HASHEMY: Sir, on the 16th January last, I was personally served with a notice by the Commissioner of Police and the District Magistrate of 24-Parganas. I did neither care for it nor bother about it because I know that in the estimation of Government the police are all seeing and all hearing and all knowing. But very recently on the 20th February last, a further notice was served upon me by the Government of Bengal signed by one Additional Secretary to the Government in which it was written that the Governor in Council was pleased to direct this and that because I was thought to be acting——

Mr. PRESIDENT: I am afraid I must ask you if this has anything to do with your motion.

Maulvi SYED JALALUDDIN HASHEMY: Sir, I was going to prove that persons who are detained at home under the Ordinances have not really done anything wrong by which they can be detained.

Mr. PRESIDENT: That is a different matter altogether. That was not the idea in your mind when you gave notice of these amendments, which relate to the question of allowances to detenus.

The Hon'ble Mr. W. D. R. PRENTICE: Sir, may I explain at this stage that the notice which was served on Maulvi Syed Jalaluddin Hashemy was not under the Criminal Law Amendment Act but under an entirely different Ordinance and I submit that that Ordinance is entirely irrelevant to the question at issue now.

Maulvi SYED JALALUDDIN HASHEMY: I know that the notice was served under Ordinance IX of 1931 under which a man may be detained in his own house or within a particular municipal limit. While speaking on this motion I shall ask the House to consider how can Government ask a man not to go beyond the limit of a municipality —

Mr. PRESIDENT: I am afraid this is all irrelevant. You cannot raise that in connection with the motion under discussion. You have mentioned your reasons and so you must stick to it

Maulvi SYED JALALUDDIN HASHEMY: If you will only give me two minutes' time, I will come to my point

Mr. PRESIDENT: This is not a question of time. The question is whether you have the right to discuss the matter in connection with the motions under discussion. You have mentioned your reasons for putting in these motions in the body of the motions, and I think you had better stick to them.

Maulvi SYED JALALUDDIN HASHEMY: Sir, the other day in reply to a question put by me to the Hon'ble Member in charge of the Political Department, he said that about 259 persons were detained under Ordinance IX of 1931 but he did not give me the exact number of how many of them were detained at home. I know that some of them are detained at home——

Mr. PRESIDENT: I am afraid this again has nothing to do with your motion. What are your complaints with regard to the allowances paid to the detenus? Are they insufficient? Are they not regularly paid? These are the relevant points on which you should speak.

Maulvi SYED JALALUDDIN HASHEMY: I am coming to that. In some cases, they are paid no allowances at all.

The Hon'ble Mr. W. D. R. PRENTICE: May I explain, Sir, that the mover is not referring to persons who are "under restraint" within the meaning of sections 11 and 12 of the Act but he is referring to people detained under section 2 (*1*) (*a*), (*b*) and (*c*), who are not paid any allowances under the Act. This is the provision of the Law.

Mr. PRESIDENT: He is not irrelevant in that respect. He can criticise that provision of the law. Mr. Hashemy, you must confine yourself to the question of allowances. You must not go beyond that.

Maulvi SYED JALALUDDIN HASHEMY: Sir, I am coming to that point. If the Government insist upon giving no allowance to home-interned persons, the result will be very disastrous, and I want to give a warning to the Government. I know, Sir, some young men are detained at home and they are practically confined within the four walls of their house. I do not understand what reason there can be to restrain a man without making sufficient provision for him. Surely, Sir, if a man is detained at a certain place without making any provision for him, naturally the mentality of that man goes against nature and he will take recourse to abnormal actions. Sir, in connection with this motion, I would request the Government of Bengal that, from the experience which they have gained in the past, they should recommend to the authors of these Ordinances to do away with those sections and give some allowance to persons who are detained at home practically without any allowance.

5 p.m.

Sir, if things are allowed to go on in this way then the Hon'ble Mr. Prentice will surely agree with me that the result will be disastrous. If my brother is detained at home I am bound to make provision for him; if on the other hand he were allowed to go out and had the ability to earn his livelihood I need not do so. In these circumstances I am compelled to make provision for him. And naturally my disposition against the Government will be very serious and I will try my level best to convince others against these barbarous methods adopted by Government. Sir, I do not take my stand on behalf of those persons who are detained at home with any sort of allowances, for they are in that case able to look after themselves; and it is for those that are interned without any allowances whatsoever that I plead. Sir, conditions in this country are growing serious day by day till they have culminated in the outrage on the occasion of the Convocation; and these things incline me to raise a note of warning to the Hon'ble Member in charge of the Police that had these persons been more leniently dealt with as far as practicable, and in a more generous and chivalrous manner, the result would be that their mentality and whole outlook

would be changed in course of time; but if on the contrary Government challenge them in this fashion, surely they will have no other course left to them but to defy the law, and they have accordingly prepared themselves for the maximum of sacrifice in order to spare insult to themselves and their relatives.

Now, Sir, if I make the reference that I was going to make regarding myself it will not perhaps be out of place. We know and most of the members of this House know also, that in certain matters under these Ordinances and under Ordinance No. IX of 1931 some persons are detained at home or in jail when the Governor-in-Council is satisfied about the unlawful activities of a number of men, but, Sir, may I ask the Hon'ble Member whether all information regarding these men whom they are going to detain at home is placed before the Executive Council?

Mr. PRESIDENT: That does not arise out of the motion at all.

Maulvi SYED JALALUDDIN HASHEMY: I was going to prove that there are glaring injustices done in these matters. I may say that in some cases at least, if not in most of the cases, the application of these Ordinances is quite unnecessary and in the case of Maulvi Abdul Hakim, M.L.C., who is now in this House.

Mr. PRESIDENT: I do not think you can refer to that. Have you anything new to say?

Maulvi SYED JALALUDDIN HASHEMY: Coming to the demand before us I understand that half of this sum of Rs. 1,33,000 goes to the establishment charges and the other half is to be distributed among the detenus. I would earnestly ask Mr. Prentice to see that these allowances are properly distributed among the persons who are detained, without further curtailment of their allowances and that they are properly fed and clad. I would urge upon the Government to extend their sympathy to persons whose freedom they have curtailed without assigning any reason whatever.

Dr. NARESH CHANDRA SEN GUPTA: I beg to move that the demand of Rs. 1,33,000 under the head "47—Miscellaneous - Miscellaneous and unforeseen charges" be reduced by Re. 1 (to raise a discussion on the action of Government resulting in the large increase in the detention of persons outside jails without trial).

At the outset I shall make my position clear. It is not my object, and I do not think it is the object of any one of us to reduce this grant in fact, so as to disallow an expenditure which has been already incurred for the maintenance of these prisoners. That is not our object.

My hon'ble friend was amused by that statement, but if he will look up the law on the subject, he will find that as a matter of fact the object of a token cut is merely to express disapproval of a policy and I have indicated in what respect I disapprove of the policy followed last year.

I am not going now into the larger question which we have already discussed threadbare, of the detention of persons without trial at all; but I venture to say that the amount of work that has been done by the Government in the latter part of the last year has far exceeded any reasonable necessity. They have cast their net too wide and have brought in too many persons, many of whom might have been easily avoided without the slightest danger to the State, and the result now is that Government find themselves in the present position of having to ask for more funds. I have got no personal knowledge of the persons who have been detained; I have not had the opportunity of looking in the records which come before Government against them, but I know of a few persons who have been detained or arrested under the Ordinances and the Criminal Law Amendment Act from my own district and my own subdivision; with regard to them I may say that whatever might be said against them, whatever their remote association might be with a person who might be remotely connected with a revolutionary conspiracy, I might say without hesitation that there was not the slightest chance of the State being put to any danger by keeping these persons free.

These persons have been brought in simply because, urged by panic, it might be or from any other consideration, the Government gave a blank cheque to a number of persons, including a well known police officer in my own subdivision. He has received a blank cheque and he has gone to the remote villages and arrested persons against whom I should be the last person to believe anything so energetic as revolutionary conspiracy. All these persons might have been let alone; they would have harmed nobody; but they were brought in and with what result? The result of these excessive arrests is that the seeds of discontent, terrorism and of revolutionary conspiracy were strewn broadcast on the soil of the remotest villages in my subdivision. That has been the result of this policy—not only the financial result, but also the political result that there has been a tremendous amount of discontent which might have been avoided if Government had been more circumspect and let these people alone and confined themselves to the really dangerous people about whom there was legitimate apprehension; but, perhaps, Government had no time to see to it. Perhaps they thought that by throwing their net wide they would bring in all possible persons who might give trouble in future. If it were possible by this means to bring in all persons who might by any chance indulge in future in revolutionary or terrorist crimes, I might support Mr. Prentice without hesitation. But it is absolutely impossible in a country like this with a large population spread over a

wide area, by any amount of legislative or executive work, with the resources at the command of the Government, to draw in all possible terrorists by a dragnet as it were. The attempt to do so has yielded not the result that was anticipated but has created bitter enemies for Government and it is for this reason that I move this cut.

Mr. W. L. ARMSTRONG: I beg to move that the demand of Rs. 1,33,000 under the head "47—Miscellaneous—Miscellaneous and unforeseen charges" be reduced by Re. 1 (to initiate discussion on the need for economy on this head).

Mr. President, Sir, it is fitting at this doleful time that I should move a one rupee cut to impress on Government the need for economy. I say a "doleful time" for the Government of Bengal are on the dole and have to apply for relief.

In England we have the dole in operation and with a view to economy we have what is known as the "means test" in connection with unemployment relief. I ask for economy, in fact a "means test", with regard to the provision for detenus.

To those who may think that I am a supporter of oppression or unjust repression, I would refer them to a time when Mr. C. R. Das issued a manifesto shortly before his death. Before a large audience of Europeans I risked unpopularity in protesting vociferously against the Ordinances—the justice of which I doubted—but I have since found that my opposition was but misplaced sympathy. The Government of Bengal have been constantly the target for attacks on this question of detenus and one might judge from the nature of some of the speeches delivered in this Council that all the detenus were perfectly innocent men, not associated with crime, and that a vile Government searched the Province to put them under arrest with an inexplicable object of detaining innocent persons. I refuse to believe that an intelligent government, composed of Europeans and Indians, find pleasure in searching the country to detain innocent men at public expense—particularly at a time like this.

After the Irwin-Gandhi Pact numbers of people were released, but has the terrorist movement abated in consequence? No; further acts of terrorism have gone on.

It has been stated to me by Indians in this Council that if Europeans would speak the truth they would get on much better with Indians. Well, I am now speaking the truth. As to those who say that Europeans always follow the Government like sheep into a pen, I must say that we only walk into that pen when the Government are right.

I do not see wisdom in Government's concealment of the rates of allowances; perhaps we shall get the figures now because I understand that considerable reductions have been made. No Government servant has

given me the figures, but if the information which has reached me is correct, then there is good reason for Indians and Europeans alike to revolt against such lavish expenditure as has been made in the past.

It has been argued that unemployment is the cause of the trouble. Are we to take it then that the unemployment excuse is a confession that the detenus regard it as better to be detained in comfort than starve in liberty? It would appear by some of the speeches here that Government is under an obligation to make the camps attractive hostels. If that be carried out, we shall find the situation as described by Tennyson:

"And down the long street riding wearily
Finds every hostel full."

It is my contention that the unemployment problem is aggravated because there is no confidence in commercial and industrial circles in the Province owing to unrest, uncertainty and terrorism.

Believe me, Sir, that my remarks are not inspired by any racial feeling whatsoever; but in the interests of law-abiding Indians and Europeans alike I denounce terrorism because it is lowering Bengal in the eyes of other provinces and the Central Government. But I submit that if economy has to be made it should be under this head. It might be that certain innocent men are detained but in Crown and civil suits we find cases of the innocent suffering and acquittal of the guilty.

I have heard no constructive alternative scheme propounded to replace the detention of men associated with crime. Peaceful persuasion has failed before, and I would refer this Council to a time when a man of no less influence than Mr. C. R. Das endeavoured, but failed, to dissuade certain Indians from murdering Sikh taxi-drivers. Again I state there is no racial feeling in me whatsoever on this matter, but my cut is for the purpose of pointing out the need for economy in the future—whatever wasteful extravagance may have been made in the past—and with a regard for those Indians and Europeans who are suffering without associating themselves with crime. It is on them we have to place our hopes that Bengal may again be exalted to the position she once occupied.

5-15 p.m.

Mr. SHANTI SHEKHARESWAR RAY: Sir, I shall be very short. I refer to the policy of Government regarding interning persons——

Mr. PRESIDENT: Do you intend to deal with any particular motion which is now before the House? You cannot in any case go beyond the amendments, which are now open to discussion.

Mr. SHANTI SHEKHARESWAR RAY: I shall deal generally with the amendments. I wish to deal with one aspect of the question so far as the policy of Government is concerned in interning people to village huts. Sir, I do not understand why Government brings men from elsewhere to intern them, say, in the Malda district or other out-of-the-way places. I do not understand why Government thinks it necessary in the discharge of its duties—in maintaining law and order in the Province—to place an undesirable person, according of course to Government, in an otherwise peaceful district like Malda. I may say to the credit of the Malda district that only one person has been interned by Government from that district, and thus judging from the Government point of view it may be said that the record of the Malda district has been very good. But recently, under Government orders, several internees have been brought from other districts to the Malda district and interned in different villages. I submit that the presence of these people in the district naturally causes a certain amount of irritation and agitation there. I hope that the Hon'ble Member will be able to give us some justification of this policy of Government.

There is another aspect of the question. These internees are always complaining about the bad health of the place, about their allowances, about the absence of proper medical aid for them. Some of them who were used to city life have been compelled to live in villages. I would suggest that instead of following this policy of scattering the detenus all over Bengal, the proper course would be for the Government—if it really thinks that they are dangerous to public safety—to have some central camp where they can be kept without any danger to the public—though personally I would not support even that course. I would rather suggest their trial in open court and, if found guilty, they may be convicted as ordinary accused.

The feeling that has been roused in the minds of some of my European friends is quite natural and during the session some of them gave expressions to some misgivings. But what is the idea of Government for treating these people as criminals and at the same time maintaining them by giving allowances and other benefits which ordinary criminals are not entitled to? The fact is that Government in their heart of heart does not believe them to be criminals; "Conscience makes cowards of us all": that is the only logical conclusion which one can arrive at.

Mr. B. C. CHATTERJEE: Government has a conscience?

Mr. SHANTI SHEKHARESWAR RAY: Sir, I plead on behalf of these interned persons. I hope Government will not gain much by cutting down their allowances on the suggestions of the Anglo-Indian Press and the non-official European community. I do not ask them

to be generous but I ask them to be just. Government's policy should not be to punish them but to reclaim them and turn them from enemies to friends. The other day the Hon'ble Member in charge of the Political Department asked for suggestions to cope with this terrorism in Bengal. It is a big question and it is too big a question for me to deal with, and I shall not attempt to do so. The root cause is very deep, and it requires great men to reconcile the interests of two great nations apparently irreconcilable. Master-minds and more experienced heads are elsewhere trying to find out the solution of this great problem and I hope they will be successful.

Mr. PRESIDENT: We have nothing to do with that.

Mr. SHANTI SHEKHARESWAR RAY: I am just suggesting some palliatives. I would ask the Government to do everything possible to allay bitterness and this can be effected by accepting my suggestion.

5-30 p.m.

The Hon'ble Mr. W. D. R. PRENTICE: Sir, I do not propose to follow the various speakers into a discussion of the principles of the Act or the details of its working. We have discussed them almost threadbare as one speaker said and a few days ago, when the Act came up for discussion in this Council, one of the sections which was under discussion was the one under which we are bound to pay the allowances in respect of which I am now asking for this supplementary grant. This grant is required to meet the expenditure up till the end of this year in respect of detenus in confinement or "under restraint" outside jails. The term "under restraint" is defined in sections 11 and 12 of the Act and the point raised by one speaker that detenus in their own homes are not entitled to any allowance is covered by the definition of "under restraint" which is given in section 12. By one of the amendments that were accepted in considering the Bill the position of such detenus was possibly improved, inasmuch as we accepted an amendment which makes it incumbent on Government to pay allowances in respect of detenus in home domicile who are subjected to orders which prevent them from engaging in their ordinary business or profession. But apart from that, there is no law under which we can pay these allowances and naturally we do not propose to go outside the law, for already the expenditure in connection with detenus is enormous. When we framed the budget of this year, we anticipated that we would have to deal with about 500 detenus; already the number is 50 per cent. in excess of this and it shows signs of increasing still further; and although we have not yet reached the stage that was reached in War years when the figure of detenus was considerably in excess of the number now

under detention, there is the possibility that it may rise to that neighbourhood. The budget of next year, therefore, makes provision for 12 months in respect of the larger number in consideration of which I am now asking for this supplementary grant for the remainder of this year.

The duties of Government in respect of these allowances are laid down in section 12 of the Act, under which we have got to pay a monthly allowance for the support of the detenu "of such amount as is, in the opinion of the Local Government, adequate for the supply of his wants"—that has been recently amended and we have now to take into account "his other sources of income"—and in addition to that we are bound to pay, for the maintenance of "his family, if any, or such of his near relatives, if any, as are in the opinion of the Local Government dependent on him for support, an allowance for the supply of their wants suitable in the opinion of the Local Government to their rank in life". These are the conditions which are prescribed by law and we do our best to act up to them.

In connection with the detention camps the position is complicated by the fact that we have a large number of detenus living all together and when the question first came up in connection with the Act of 1925 the policy then adopted was that of not attempting to differentiate between the different detenus in the same camp but to pay all of them a uniform scale. The result naturally has been that while some of them get more than what the strict letter of the law requires, on the other hand others get less. The rate that has been fixed is in accordance with what those who are in charge of the camps and those who visit them and know the circumstances recommend as suitable.

The amendments which have been moved are from two different points of view. On the one hand we have heard complaints that we do not treat the detenus well enough. On the other hand, there are two amendments which are proposed on grounds of economy. I must confess that I was surprised when the Rai Mahasai wanted to give only one anna, and if his amendment were accepted, I doubt whether he would care to go and explain to the detenus that he really wanted the allowances cut down to that extent. The other amendment was a reasonable one—viz., to cut the grant by one rupee—in order to draw attention to the need for economy. I can assure the Council that no one considers the question of economy more than the present Government, for we are in fact pressed at every turn for want of funds. A complaint has been made of extravagance. But the rates that were introduced when the Ordinance of 1930, which was followed by the Act of the same year, came into force were those which were arrived at as a result of experience of several years under the Act of 1925. The rates in force under that Act were simply re-introduced at the beginning of the period covered by the Ordinance and the Act of 1930. Subsequently, allegations

were made that the rates that had been sanctioned previously were excessive. Inquiries were accordingly made from various Magistrates, jail authorities and others as to what was required for the proper support of these detenus in accordance with the provisions of the Act, and, in December last certain reductions were made in the allowances as the result of these inquiries. We have endeavoured throughout to keep the allowances reasonable and as required by law. We cannot treat these men as criminals; we have got to treat them as under preventive detention. We have tried to hold the scales between the two extremes, and we are constantly watching this question from the point of view of economy. We have recently had the camps inspected by one of our officers and we are waiting for his suggestions. But I know that the Commandant of one detention camp told me recently that the allowances could not be further reduced; so that from the point of view of the detenus we have probably reached an amount which is pretty near what is reasonable. It is on the basis of these amounts that have been reasonably arrived at that this demand has been made.

During the discussion certain specific complaints have been made—one regarding a detenu, Nagendra Chandra Chakrabarti to whom Mr. Ray Chowdhury referred. Mr. Ray Chowdhury made certain allegations of ill-treatment and neglect. Since his speech I have had the Campbell Hospital rung up and I am informed that the detenu is under the personal care of the Superintendent and is much better. I think that this information will satisfy Mr. Ray Chowdhury that at any rate some of the reports which he receives about detenus are not to be relied upon. And I am afraid that that is also the case as regards a large number of the complaints made about the inadequacy of the allowances granted to the detenus' families. I explained in connection either with the recent Bill or one of the resolutions the amount of trouble Government go to in connection with these allowances, and on more than one occasion we have discovered that a detenu has sent instructions to his home as to what was to be told by the relatives to the inquiring officer during the investigation of the family's requirements. I can assure you that the amount of work that is done in connection with allowances is enormous. The detenus have to kill time and they are allowed to write a certain number of letters and the large percentage of the letters that they write deal with allowances. Inquiries are made about anything which appears to be deserving of inquiry, and I am personally convinced that the local officers do their work honestly and do their best to arrive at the fairest possible estimate of the proper requirements of the detenus' relatives. But if any member has any specific case in which he thinks that injustice has been done, I shall be prepared to look into the papers and, if necessary, get further information. But I want to warn members that my experience based on inquiries which I have made generally shows that the information on which complaints are based is not in accordance with the facts.

The question has been raised as to why detenus should be placed in village domicile and not in camps where they will not be a danger both to Government and to the localities in which they are distributed. The policy of Government that was adopted under the old Act was that we tried, when circumstances permitted, to take individual detenus away from association with other persons connected with terrorism and to put them in village domicile away from the evil influences which in many cases react upon them in camps. It is a test to see whether they genuinely regret their past conduct and are honest in their determination that they will have nothing to do in future with the terrorist movement. When they have passed the test satisfactorily we reduce the amount of restraint still further and let them go to their homes.

I have heard one member insinuate that under this Act we deal not only with terrorists but also with people who have political views of which we do not approve. That is entirely incorrect. No person comes under the operation of this Act unless he is connected with terrorism. He may have whatever political views he pleases. He is perfectly free to express them and Government will not interfere with him under this Act unless he is connected with terrorism. *Bona fide* politicians need have no fear of being dealt with under this Act.

I am afraid the time is short and I cannot deal with the other points which have been raised in the course of the debate. I would only add that this amount is required in order to see that the detenus who are not in jails but are detained in camps and in village domicile are decently fed and clothed in accordance with the scales approved by Government after full inquiries from persons who have a knowledge of their conditions and I would ask the Council to sanction the amount.

Dr. NARESH CHANDRA SEN GUPTA: Sir, may I ask the Hon'ble Member a question with regard to this matter? Has there been a hunger-strike in the Berhampore Jail?

The Hon'ble Mr. W. D. R. PRENTICE: People are always going on hunger-strike in the Berhampore Camp.

Mr. NARENDRA KUMAR BASU: Sir, I rise to give my support to some of the amendments that have been moved. Speaking on a similar motion last year, on the 30th of March, 1931, in summing up the debate, the Hon'ble Mr. Prentice said: "I would ask the Council to take their share in the responsibility for the procedure, however unpleasant it may be, when they are satisfied that it is necessary in the interests of this Province."

5-45 p.m.

Sir, my esteemed friend Mr. Armstrong has said that several members of this House have stated times without number that all the detenus are innocent. I suggest that Mr. Armstrong has forgotten six small words. What we said, and what we do maintain still, is that all detenus are innocent in the eye of the law. They have never been tried. In fact, they are detained because Government think that would be in the interest of the public safety. Under the Act, it is only when Government is satisfied and I take it that Government is satisfied on the reports of its police informers and spies, and that, I submit, is no better than mere suspicion. If the cause of satisfaction is such that it cannot be exposed to courts of justice, we do maintain that in the eye of the law, these men are still innocent, even if the Government think them guilty enough to be detained.

I think Mr. Armstrong has himself given the best answer to the unlawful, I will not say illegal, improper detention of these men. Mr. Armstrong said that after the Gandhi agreement, there was a big release of these detenus, but that did not stop terrorism. What does that prove? To my mind it proves that you have detained men who were not connected with the terrorist movement and that Government in having detained them, has been acting on wrong information, and were very easily satisfied as to their complicity in the terrorist movement. They wanted to be satisfied, and they were satisfied. The very fact that the detention of these men was not followed up by any stoppage of terrorism, shows that the men who were detained were not the right men. It has been suggested that these camps, these detention camps are made as attractive as possible, and therefore they should be detained there. I am not here to answer that. I do not really know whether they are attractive or not. I have never been inside them yet, but I think that merely because these camps are attractive, we should not detain them at all.

The Hon'ble Mr. W. D. R. PRENTICE: May I explain one matter. Mr. Armstrong was of course wrong in saying that any detenus were released after the Gandhi-Irwin agreement. No detenus detained under the Criminal Law Amendment Act were then released. It was only the civil disobedience prisoners who were released, an entirely different lot of people.

Mr. E. C. ORMOND: Is the time up, Mr. President?

Mr. PRESIDENT: No, you have still two minutes.

Mr. E. C. ORMOND: I cannot say much in one minute, but I represent some of the interests at any rate, of the Europeans outside this House, where this question has been discussed. Their view in respect of one thing that has been said, that the detention of these detenus is in a sense illegal, is quite different. Whatever changes may or may not be made in the constitution of India, yet under the present constitution, this House has certain powers, this Council has certain powers; the Governor of Bengal has certain powers, His Excellency the Viceroy has certain powers, and things done under these powers——

Mr. PRESIDENT: What has that to do with this matter?

Mr. E. C. ORMOND: I am leading up to the point. That is, any order, whether by Ordinance or not, or enactment of Government, is part of this constitution, just as much as any other. (A VOICE: The time is up.) I see I cannot go into any further details about this, so I shall now stop.

The following motions were then put and lost:—

That the demand of Rs. 1,33,000 under the head "47—Miscellaneous—Miscellaneous and unforeseen charges" be reduced by Rs. 1,32,999-15-0 (on grounds of economy).

That the demand of Rs. 1,33,000 be reduced by Rs. 100 (to discuss the treatment accorded to detenus in confinement).

That the demand of Rs. 1,33,000 under the head "47—Miscellaneous" be reduced by Rs. 100 (to protest against the policy of Government regarding non-payment of allowance to persons who are detained at home under the Ordinance No. IX of 1931).

That the demand of Rs. 1,33,000 under the head "47—Miscellaneous—Miscellaneous and unforeseen charges" be reduced by Rs. 100 (to criticise the action of Government under the said Act and Ordinance necessitating this extra expenditure).

That the demand of Rs. 1,33,000 under the head "47—Miscellaneous—Miscellaneous and unforeseen charges" be reduced by Re. 1 (to raise a discussion on the action of Government resulting in the large increase in the detention of persons outside jails without trial).

That the demand of Rs. 1,33,000 under the head "47—Miscellaneous—Miscellaneous and unforeseen charges" be reduced by Re. 1 (to raise a discussion about the detention of persons under the Bengal Criminal Law Amendment Act, 1930, as amended by the Ordinance No. IX of 1931).

That the demand of Rs. 1,33,000 under the head "47—Miscellaneous—Miscellaneous and unforeseen charges" be reduced by Re. 1 (to raise a discussion and protest against the policy of the Government regarding the allowance to the detenus).

That the demand of Rs. 1,33,000 under the head "47—Miscellaneous—Miscellaneous and unforeseen charges" be reduced by Re. 1 (to initiate discussion on the need for economy on this head).

The motion that a sum of Rs. 1,33,000 be granted for expenditure under the head "47—Miscellaneous—Miscellaneous and unforeseen charges" to cover the expenditure in excess of the voted grants under "47—Miscellaneous" on account of charges relating to persons detained outside jails under the Bengal Criminal Law Amendment Act, 1930, as amended by the Ordinance No. IX of 1931, was then put and agreed to.

[At 6 p.m. the Council was adjourned for prayer and it reassembled at 6-15 p.m.]

General Discussion of the Budget of the Government of Bengal for 1932-33.

MUNINDRA DEB RAI MAHASAI: Sir, I made a reference to Sir Rajendra's Retrenchment Committee yesterday. Unfortunately the proceedings were confidential else many interesting things would have come to light. However, most of the recommendations which were made by the Committee had very strong public opinion at their back, the prominent of them being the reduction in the number of Executive Councillors and Ministers and the abolition of the posts of Divisional Commissioners and the retrenchment in the costs under head "Police." The Retrenchment Committee held "that a Government of seven is not justified by the work that has to be done. There is no dispute on this point and that there is ample justification for a Government of four, consisting of two members of Council, one of whom should be a non-official, and two Ministers and they regarded this as the normal and proper strength of the local Government. This would have effected a net reduction of Rs. 2,16,000. Their main proposal in regard to the Secretariat was that where there were heads of departments the present duplication of departmental and Secretariat establishments and officers should in most cases be done away with. They recommended the amalgamation of the Revenue Secretariat and Board of Revenue and the abolition of the post of Deputy Secretary in the Political and Appointment Departments and Assistant Secretaries in the Judicial and Public Works Departments and Registrars.

These would have effected a net reduction of Rs. 4,82,500. With regard to the abolition of the posts of Divisional Commissioners, the concluding remarks of the Committee were that while Commissioners do useful work its distribution among other officers would lead to no appreciable loss of efficiency. The position of District Officers would be strengthened, and their responsibility less obscured if there were no Commissioners. On the other hand we feel that the office of Commissioner is declining in usefulness and prestige and that, in the conditions that now prevail, its further decline is inevitable. We recommend that the post of Commissioner be abolished." This would have effected a net reduction of Rs. 5,20,000. With regard to the Police, which absorbed one-fifth of the revenue of Bengal, the Committee recommended net reduction of Rs. 26,28,800. With regard to the Calcutta Police a net reduction of Rs. 8,13,500 were recommended. The recommendations of the Committee, specially with regard to the Bengal and Calcutta Police, have not only been thrown to the winds but are being increased with wonderful rapidity since the publication of the report. The net reduction for the whole of the Province recommended by the Committee amounted to Rs. 1,90,25,910, *i.e.*, near about two crores of rupees, almost equal to the deficit in the budget under discussion. Had the Government accepted some of the main recommendations there would not have been the least necessity of incurring an unproductive debt of two crores of rupees. The top-heavy administration of Bengal is responsible for the heavy deficit in the cost of administration. Unless drastic reductions are made in the near future, the bankruptcy of the Government of Bengal is assured.

Sir, it was quite fresh in our memory when one Lieutenant-Governor efficiently administered Bengal, Bihar and Orissa with four Secretaries. The Government of Bengal has now been relieved of the burden of Bihar and Orissa, yet the expenditure of Bengal alone has gone up disproportionately higher without any appreciable efficiency in the administrative system or in any corresponding benefit to the country. I think, the number of Secretaries have been doubled, 4 Deputy Secretaries and 12 Under or Assistant Secretaries have been added. The total, I believe, is 24, but I do not object to the retention of their services. It was they who were really doing the work of administration which was, no doubt, strenuous now-a-days. But I fail to understand why so many honourable figureheads should adorn the Treasury Bench and rob under license a fair share of the revenues of Bengal. If Bengal is to be saved, the top-heavy administration must go.

Some retrenchments have, of course, been made in the budget under discussion, but I regret to find that some of these had been done in the wrong direction. For instance, I should like to refer to the retrenchments proposed in the education and scientific departments.

Sir, a reduction of Rs. 60,000 has been made out of the grants paid to the non-Government secondary schools as a measure of retrenchment. This is most unfortunate. The result will be disastrous to the cause of secondary education in the countryside. Owing to the prevailing economic depression most of these schools have reached the starvation point and any further reduction will compel some of them to close their doors. I wonder how the popular Minister of Education, who was so enthusiastic about the passing of the Primary Education Act, should agree to such a preposterous proposal.

I should beseech the Education Minister to reconsider the position and restore the grant. It was false economy to cripple the facilities for education specially as it was a question of life and death to many of these useful institutions.

The reduction of 20 per cent. in the Scientific Department is also unfortunate. The retrenchment with a total saving of Rs. 5,000 was a mere drop in the ocean. Donations to the scientific societies like the Asiatic Society, the Varendra Research Society or to the Dacca or Darjeeling Museums should have been left untouched. These measures of economy do more harm than good. The starvation of these most important branches of learning cannot be looked upon with complacence.

The reduction of Rs. 4,000 from the grant of Rs. 20,000 to the Imperial Library is another matter which required careful consideration. This library was being removed as an appendage of the Imperial Government to Delhi sometime after the removal of the capital from Bengal. This we strenuously opposed and the Government of India had the generosity to yield at last to the pressure of public opinion, the Government of Bengal also rose equal to the occasion by an offer of substantial contribution for its maintenance and upkeep. Bengal is proud to possess such a first class library—the best in India. I should call it a sin to cripple its resources by even a rupee. Pray do not help to starve the intellect of the nation. Rs. 4,000 is nothing to the wanton waste of public funds in other directions. I should once more beseech the Education Minister to restore it if he cannot see his way to increase the grant which he should have done. These are some of the glaring instances of retrenchment in the wrong direction.

In the circumstances, the proper course for the Government should be to adopt the main recommendations of Sir Rajendra's Retrenchment Committee. I should also like to suggest the stoppage for some time to come of further recruitment to the Indian Civil Service and to the Imperial Police Service. Further recruitment of Deputy Collectors may also be held over till better times. The post of Circle Officers should be abolished altogether. They have long outlived their usefulness. They have now become a constant source of irritation and

unpleasantness and a stumbling block to the expansion of the activities of the Union Boards. A few auditors will do better work than these officers. Reference has been made by more than one speaker with regard to the iniquitous Meston settlement. Now that the Federal Finance Committee is holding its sittings in Delhi and our Finance Member the Hon'ble Mr. Marr is going to give evidence there, I should like to request him to urge the rightful claims of Bengal on the duty on jute and the income-tax raised from this Province. If Bengal gets a moiety of it, its financial prosperity will be assured. May God help him in his mission.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Sir, I rise on behalf of my constituency to offer criticism on the budget presented by the Hon'ble the Finance Member. The Hon'ble Mr. Marr has presented a deficit budget, for there is no redeeming feature in it. After what has been said by other speakers yesterday and to-day, I think the Finance Member cannot expect from me congratulations for such deficit budget. Anyway, we are grateful to him that he has not suggested any new form of taxation at this time. It would not have been fair if he had suggested any new taxation. The taxable capacity of the people has been exhausted and there is no room for further taxation. If he had suggested any new taxation, it would have crushed the people. By not suggesting any new taxation Mr. Marr has saved a critical situation of Bengal. At the present time the people cannot even afford to pay for their necessities of life and with a new taxation they would have been crushed altogether. I offer my congratulation to Mr. Marr for this.

Mr. Marr, however, has adopted another method of meeting the deficit and that is by way of raising a loan. May I ask whether that is a very sound principle. I think it is not the sound principle; and should not have been adopted by a Finance Member like him. This policy may go on well as a temporary measure. He has himself admitted that there is no chance of the situation improving in the near future. The political situation has not improved and unless it improves, trade and commerce cannot improve and there is no hope of getting further revenue. In that case, the policy of raising a loan is, I think, not a sound one.

Sir, I think the best course would have been to retrench expenditure. For the last three years, we have been clamouring for retrenchment but unfortunately Government have paid no heed to us. On the other hand they always advance the plea that this province has reduced its expenditure to a minimum and that there is no room for any further retrenchment. But, Sir, when His Majesty the King-Emperor and the British Premier and His Excellency the Viceroy

willingly retrenched their expenditure, it was then that the Government of Bengal thought of making a ten per cent. cut. That is the only thing that they have done by way of retrenchment. The other day the Council unanimously adopted a resolution that there should be a retrenchment committee consisting of both officials and non-officials. But, Sir, up to now no steps have been taken in that direction. I do not know why Government is so very afraid of a retrenchment committee. If there is no room for retrenchment, the committee could do nothing, but if there is any room, the committee would be able to find out that a sufficient amount could be saved for our needs. I appeal to the Treasury Benches to appoint a retrenchment committee to look into the question of expenditure.

With regard to the Police, Sir, I know that the Police has the largest share in the budget. No one can deny it because it is a fact. I am not speaking about Calcutta, but in the mufassal, the number of crimes has enormously increased. Out of 90 per cent. of cases of ordinary crimes, only 10 per cent. are reported to the Police. I know, Sir, from personal experience, the Police do not take any action, on the plea that they have no time to deal with ordinary crimes as they are kept busy with political crimes. They do not pay much attention to deal with such cases. The Hon'ble Mr. Prentice may say that this will cost more money. I never said that they would not cost money. If it does cost more money, I do not think there would be any objection to it. But in any case Government should not neglect ordinary crimes. The Police is not meant only to deal with political cases, but they must maintain the tranquillity of the Province. Sir, it means very little difference if one is killed by Ram or by Ravan. The matter is the same with the people who are robbed by ordinary criminals or by political criminals. So I say that ordinary crimes should not be neglected and that Government should instruct the Police to pay more attention to ordinary crimes.

6-30 p.m.

With regard to the transferred departments I would like to say that without more money the Hon'ble Ministers cannot put their whole personality into their work and so do good to the country. If money be not forthcoming for the development of the subjects under their charge it would be useless for them to remain in charge of those departments; otherwise their services are not at all necessary. Their retention will only embarrass Government and involve waste of public revenue. Accordingly I suggest that they should be given more and more money for the development for the transferred departments under their charge, and to see that the nation-building departments prosper.

Mr. H. S. SUHRAWARDY: Although, Sir, I find that Government wishes to avoid listening to hard words and most of its members in common with the non-officials are absent, and members coming in are surprised that they have wandered in, and are being canvassed to go out, and I find several playing hide and seek behind the door of this Chamber, I will deliver myself of my speech lest I be absent during the Budget discussion. Every year we are privileged to deliver an oration apropos of everything or nothing. We condemn the Meston Settlement in emphatic terms, we congratulate the Hon'ble the Finance Member on making the best of a bad job; we in the same breath, record our protest for his having paid too much attention to the Department of Law and Order; we regret that he has not paid more to educational institutions that turn out would-be detenus; we deplore that there are not enough hospitals, and I, for one, am always of opinion that the Irrigation Department should be abolished, all its works should be suspended, and we should invite Sir William Wilcocks to save the country from the ravages of drought, floods and malaria. But we are apt, in dissecting the Budget, to miss the wood for the trees. There are three matters of colossal importance that we have to contend with. The first is that we have been compelled to carry on the administration by taking loans. The Meston Award has bled Bengal white, so that the Government of India may maintain an expensive administration, and the other provinces have roads and canals. The Council has pointed out to the authorities the iniquities of that Award which brought a Barony to its author; our Government has moved and even a Governor went up to Simla to seek a readjustment, and all that he could get was a remission of the Provincial contribution. Now, unable to do more, Government should have resigned rather than undertake an administration that was sure to lead to bankruptcy and in any other country they would have done so. Practically all the discontent here—even the despair which has led to terrorism—is the fruit of the Meston Award. Had the people more money for the development of their resources, for encouraging their industries and their agriculture, if malaria and cholera could be eradicated from the villages by scientific irrigation and health measures, if they could become more educated, if there were better provisions for hospitals and medical education, if even Government had enough resources to come to the help of those who are dying of starvation in the famine-stricken areas, the discontent would have been less, and the subversive movements would not have been so widely countenanced by the public as they are to-day. The Meston Award, apart from diminishing our resources, has indirectly contributed to divert our scanty income towards fruitless channels, *e.g.*, police, jails, allowance to detenus. Now the Governor cannot resign—he has his duties to perform; the members of Government who are members of the covenanted services cannot resign for

obvious reasons; but there is no reason why the Ministers and the other members of the Executive Council should not resign in protest—and the Council will see to it that no one else takes their place until this outrage on justice is rectified—and may I respectfully say, Sir, that if you too were to take the lead, we shall all follow excepting Mr. Jalaluddin Hashemy whom we shall leave here to criticise the remnant of Government. There will be no other course left to us if the new Finance Committee cannot do its work better than the Meston Committee and the rights of Bengal are once more drowned by the clamour of Bombay, Madras, the Punjab, United Provinces and the Government of India.

Now the second factor of importance is the growth of lawlessness—which has taken the form of civil disobedience, terrorism and Bolshevism. This spirit is dangerous, because it will persist and will not disappear with the disappearance of the Britishers from this country. Succeeding Governments, even if manned by terrorists themselves, will have to suffer for it. I will not refer at this stage to the provision that Government has made in the budget. There will be plenty of opportunity when the replenished artillery of our *pseudo*-Congressites in this Council will once more be brought to bear against the Government during the passing of grants.

In the third place, we are faced with the economic ruination of the Province on account of the depression and lack of money. In many districts, the tenant cannot afford to pay his rent to the landlords—by rent I mean the *jama plus abwabs* that take such extraordinary forms of *talebana, naib-nazar, sherista kharach*, boat-hire, *gramkharcha, bandeji, dasturi, agomoni, kalibritti, iswarbritti* and similar impositions. The landlords therefore, by means of the certificate procedure, has his movables, his cattle, his plough sold, irrespective of the provisions of section 60 of the Civil Procedure Code. The agriculturist is unable to pay his dues to the *mahajan*. The *mahajan*, therefore, when he can afford it, files suits and has the lands sold.

The tenant is fast becoming a landless labourer. What has Government done to relieve it? Nothing. The question is what can it do? I make the following suggestions which were among the resolutions that were passed at the annual session of the Assam-Bengal Proja Conference at Charabari, Tangail, in Christmas week, and at which I had the honour to preside. Firstly, legislation must be introduced to abolish sales of land and proprietory and occupancy rights in execution of decrees other than rent decrees. I make a reservation in favour of rent decrees, because rent is an incident that runs with the land. It is a contractual right so indissolubly bound up with the possession of the land that it must stand on a different footing, and though we may ask for suspensions and other reliefs, the

land must in the last resort be subject to that liability. Money debts, however, are different and we must see to it if we want our peasantry to remain alive, that the lands are not sold in execution of decrees for money debts. This is of primary importance. In Mirzapur and Basail, two very large thanas of Tangail, all the lands have been taken up by *mahajans*, particularly as reprisals for the Kishoreganj riots. Now there are no agriculturist proprietors, only *bargadars*; as a rule in all the districts, wherever there is a *mahajan* you will find that the agricultural lands within a radius of several miles, have all been acquired by him in execution sales. Secondly, the rate of interest must be fixed, say, not more than 9 to 12 per cent. No higher rate of interest should be allowed by the Court. Thirdly, no one may obtain a decree for interest greater than half the principal amount. Fourthly, we must come to a compromise with the *zamindars* with regard to the rights of *bargadars*, and soften the rigors of *nazrana* and pre-emption. Fifthly, *abwabs* must be made criminal; and the rent roll of *zamindars* must be open to inspection by Government. One of the reasons why the tenant hesitates to pay his due rent is that what he pays is allotted to *abwabs* and arrears of interest coming down from time immemorial, and not to actual rent. In many *zamindaries* rents are not collected, unless *abwabs* are paid along with them. Sixthly, that the execution of decrees shall be suspended for three years. The lands realise a nominal amount only, and do not even cover the decretal amount. If, within the three years, conditions improve the moratorium may be raised. If this cannot be done by legislation, it should be done by ordinances.

Rai KESHAB CHANDRA BANERJI Bahadur: Sir, are we discussing the Tenancy laws of this Province?

Mr. H. S. SUHRAWARDY: I know that what I say will sting the *zamindars*, particularly the bad ones, but there is no reason why I should not utter some home truths. Seventhly, that there shall be no suits for increments of rent for three years. Eighthly, that there should be a general remission of interest on arrears of rent, similarly to that kindly granted by Government in *khas mahal* areas affected by the floods. We have many such suggestions and I shall be glad to supplement the knowledge of Government with my wisdom. I offer our co-operation and if Government will not accept it to-day we hope that in the next Council there will be such a leaven of a real tenants' party in the Council, that will initiate legislation—not a mere tenants' party for political or group purposes—that Government and the European element will think it worth their while to co-operate with it.

Before, Sir, I sit down I wish to express if I may—for I know how all of us think—the sincere appreciation of the Council of the manner in which the Hon'ble Mr. Prentice has discharged the difficult duties entrusted to him. I have not as yet found myself able to compliment any member of Government, since I joined the Council in 1921; but, I think I shall be lacking in my duty, which has always led me to criticise members of Government, if I did not express my appreciation when the occasion calls for it. Not only on the one hand are we reasonably secure, but on the other hand, the rigors of the ordinances have been much softened by his strong sense of justice. In Mr. Prentice we have a straight, God-fearing man, endowed with high principles, a rare ability and courage and never have those qualities shone with greater prominence than in these difficult times. We have found that if any injustices are brought to his notice, he does not hesitate to rectify the errors. He has the full support of the Council; even his critics pay him tribute from time to time, and we hope that he will long remain with us to pilot Bengal in this crisis.

Lastly, Sir, we must pay our tribute to the Hon'ble the Finance Member. We are sorry that this will be his last Budget, and we shall lose him so soon. Mr. Marr has not only been an able Finance Member, of wide sympathies, but as a man and a Member of the Council he has, by his kindliness, his frankness, his friendliness to all, contributed largely to that spirit of co-operation within the Council, which has given Government such substantial majorities. By the manner in which he has taken us into his confidence, he has been largely instrumental in demolishing that barrier between the Council and the Government that is almost a concomitant of the system of dyarchy. We wish him the best of luck and God-speed and for ourselves we wish that his successor will make every effort to follow in his footsteps and maintain the tradition of friendliness and *bonhomie* with which the name of Mr. Marr will ever be linked within the Council and outside.

6-45 p.m.

Mr. SARAT KUMAR ROY: Mr President, Sir, while fully sympathising with the Hon'ble Mr. A. Marr in the difficult task with which he finds himself confronted for the last time in his career as the Finance Member of Bengal and while fully realising the unfortunate situation created by the deficit of about a crore and sixty-four lakhs of rupees, necessitating the approach to the Central Government for a loan, I am sorry to draw the attention of the Government to the wants under the following subjects upon which the axe of retrenchment has fallen, causing these already starved departments to become still more inoperative.

I shall, however, confine my remarks only to a few of the subjects, just to point out how disastrous the consequence of retrenchment upon them will be for the uplift of Bengal.

Sir, though there are several agricultural farms and agricultural officers maintained by the Government, the cultivators still fail to derive adequate benefits from them. One of the principal reasons for this is, in my opinion, the want of adequate number of properly trained demonstrators or guides, by whatever name you call them, amongst them. Sir, it has been admitted by the Royal Commission on Agriculture in India, that Indian cultivators are quite intelligent beings in their own way; so that if they be properly guided with demonstrations and advices in their work, they will be able to get themselves instilled with the spirit of the latest scientific discoveries and thus be profited by them. These agricultural demonstrators or "village guides," as Mr. Brayun of Gurgaon fame calls them, may be trained in the way as proposed by him in his famous book on village uplift in India. Sir, I brought a resolution in the present session of the Council about the training and appointment of these village guides in groups of villages, but unfortunately for want of time, the resolution could not be moved. Another great help towards the uplift of the cultivators will be to establish a Marketing Board, so that it may, with the help of the Department of Agriculture, standardise the agricultural produces and then to obtain for them the best value in the market.

Next comes the question of the improvement of cattle, upon which depends so much the prosperity of the cultivators. Sir, for this purpose also I tabled a resolution in the present session of the Council, demanding the appointment of a larger number of veterinary assistants able to cope with the vast number of cattle in the Province, both during their health and their disease, but I had to withdraw this resolution on the Hon'ble Minister of Agriculture pointing out that lack of funds stands in the way to any steps being taken in this direction. Sir, with the duly trained village guides and the duly trained veterinary assistants stationed amongst them, with ably managed co-operative credit societies established in villages to finance them and with the Marketing Board with its branches installed all over the country to properly dispose of their produces, the prosperity of the cultivating classes would have been assured; but instead we find, we are as far off from that as ever.

Sir, I cannot conclude my remarks on agricultural improvements of the country without reference to scientific agricultural education. For upon proper scientific knowledge depends the real material progress and prosperity. Sir, the prospect of the Dacca scheme for

agricultural education, materialising, is still as remote as ever—"হনোজ দিল্লি দুর অস্ত", (*Hanooz Delhi dur ast*) (Delhi is still far off)—as the report of the Department of Agriculture for the last year confesses—for lack of funds. Sir, if lack of funds be a stumbling block in this case then why should the Government persistently refuse to accept fund supplied by the foundation created by Kumar B. K. Ray of Dighapatiya—for inaugurating higher agricultural studies in connection with the Rajshahi College? This foundation is quite handsome, it now amounts to nearly four lakhs of rupees in Government Promissory Notes, and so can go a long way to help the Government in establishing the higher agricultural classes proposed. But alas, for some mysterious reasons best known to the Government, this foundation is hanging fire for more than twelve years!

Adjournment.

As there was no quorum the Council was adjourned till the 14th March, 1932, at the Council House, Calcutta.

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